



House of Representatives

General Assembly

File No. 580

February Session, 2018

Substitute House Bill No. 5041

House of Representatives, April 19, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE TRANSFER OF JUVENILE SERVICES
FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE
COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2018*) (a) On July 1, 2018, the
2 Judicial Branch shall assume legal authority over any child, as defined
3 in section 46b-120 of the general statutes, as amended by this act, who
4 is committed to the Department of Children and Families as a
5 delinquent child, as described in subdivision (4) of section 46b-120 of
6 the general statutes, as amended by this act, as of June 30, 2018,
7 pursuant to an order of the superior court for juvenile matters entered
8 prior to July 1, 2018. Notwithstanding any provision of the general
9 statutes or regulations adopted thereunder or any public or special act,
10 the Court Support Services Division of the Judicial Branch shall
11 thereupon assume the responsibility for the supervision of each such
12 child, and may exercise such powers, duties and functions regarding
13 each such child as set forth in chapter 815t of the general statutes.

14 (b) Until further order of the court pursuant to subsection (c) of this
15 section, any such child described in subsection (a) of this section shall
16 be deemed to be on probation pursuant to section 46b-140 of the
17 general statutes, as amended by this act, for a maximum period not to
18 exceed the period remaining under the delinquency commitment to
19 the Commissioner of Children and Families as of June 30, 2018, and the
20 conditions of parole supervision that the child was subject to on that
21 date shall become interim conditions of probation supervision.

22 (c) Not later than October 1, 2018, the superior court for juvenile
23 matters shall conduct an in-court review to determine whether the
24 interim conditions of probation supervision shall continue or be
25 modified for the remainder of the period of probation supervision. The
26 court shall give notice to any identified victim of the time and date of
27 any such in-court review. Following the in-court review, the court may
28 order that the interim conditions of probation supervision remain in
29 effect without modification until the end of the period of probation
30 supervision or it may modify such conditions for good cause shown
31 pursuant to section 46b-140a of the general statutes, as amended by
32 this act. Notwithstanding any provision of the general statutes, such
33 period of probation shall not extend beyond the period remaining
34 under the commitment to the Commissioner of Children and Families
35 as of June 30, 2018.

36 Sec. 2. (NEW) (*Effective July 1, 2018*) The Chief Court Administrator,
37 or his or her designee, shall act as administrator of the Interstate
38 Compact for Juveniles under section 46b-151h of the general statutes.

39 Sec. 3. Section 4b-55 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective July 1, 2018*):

41 As used in this section, section 4b-1 and sections 4b-56 to 4b-59,
42 inclusive, unless the context clearly requires otherwise:

43 (1) "Commissioner" means the Commissioner of Administrative
44 Services;

45 (2) "Consultant" means (A) any architect, professional engineer,
46 landscape architect, land surveyor, accountant, interior designer,
47 environmental professional or construction administrator, who is
48 registered or licensed to practice such person's profession in
49 accordance with the applicable provisions of the general statutes, or
50 (B) any planner or financial specialist;

51 (3) "Consultant services" includes those professional services
52 rendered by architects, professional engineers, landscape architects,
53 land surveyors, accountants, interior designers, environmental
54 professionals, construction administrators, planners or financial
55 specialists, as well as incidental services that members of these
56 professions and those in their employ are authorized to perform;

57 (4) "Firm" means any individual, partnership, corporation, joint
58 venture, association or other legal entity (A) authorized by law to
59 practice the profession of architecture, landscape architecture,
60 engineering, land surveying, accounting, interior design,
61 environmental or construction administration, or (B) practicing the
62 profession of planning or financial specialization;

63 (5) "Priority higher education facility project" means any project
64 which is part of a state program to repair, renovate, enlarge, equip,
65 purchase or construct (A) instructional facilities, (B) academic core
66 facilities, including library, research and laboratory facilities, (C)
67 student residential or related student dining facilities, or (D) utility
68 systems related to such projects, which are or will be operated under
69 the jurisdiction of the board of trustees of any constituent unit of the
70 state system of higher education, except The University of Connecticut
71 provided the project is included in the comprehensive facilities master
72 plan of the constituent unit in the most recent state facility plan of the
73 Office of Policy and Management pursuant to section 4b-23;

74 (6) "Project" means any state program requiring consultant services
75 if the cost of such services is estimated to exceed five hundred
76 thousand dollars;

77 (7) "Selection panel" or "panel" means the State Construction
78 Services Selection Panel established pursuant to subsection (a) of
79 section 4b-56 or, in the case of a Connecticut Health and Education
80 Facilities Authority project pursuant to section 10a-186a, means the
81 Connecticut Health and Education Facilities Authority Construction
82 Services Panel established pursuant to subsection (c) of section 4b-56;

83 (8) "User agency" means the state department or agency requesting
84 the project or the agency for which such project is being undertaken
85 pursuant to law;

86 (9) "Community court project" means (A) any project to renovate
87 and improve a facility designated for the community court established
88 pursuant to section 51-181c, and (B) the renovation and improvement
89 of other state facilities required for the relocation of any state agency
90 resulting from the placement of the community court;

91 [(10) "Connecticut Juvenile Training School project" means a project
92 (A) to develop on a designated site new facilities for a Connecticut
93 Juvenile Training School in Middletown including, but not limited to,
94 preparing a feasibility study for, designing, constructing,
95 reconstructing, improving or equipping said facility for use by the
96 Department of Children and Families, which is an emergency project
97 because there is an immediate need for completion of said project to
98 remedy overcrowding at Long Lane School; said school shall have an
99 annual average daily population of not more than two hundred forty
100 residents; or (B) to develop a separate facility for girls including, but
101 not limited to, acquiring of land or buildings, designing, constructing,
102 reconstructing, improving or equipping said facility for use by the
103 Department of Children and Families;]

104 [(11)] (10) "Downtown Hartford higher education center project"
105 means a project to develop a higher education center, as defined in
106 subparagraph (B) of subdivision (2) of section 32-600, and as described
107 in subsection (a) of section 32-612, for the regional community-
108 technical college system;

109 [(12)] (11) "Correctional facility project" means any project (A) which
110 is part of a state program to repair, renovate, enlarge or construct
111 facilities which are or will be operated by the Department of
112 Correction, and (B) for which there is an immediate need for
113 completion in order to remedy prison and jail overcrowding; and

114 [(13)] (12) "Juvenile detention center project" means any project (A)
115 which is part of a state program to repair, renovate, enlarge or
116 construct juvenile detention centers which are or will be operated by
117 the Judicial Department, and (B) for which there is an immediate need
118 for completion in order to remedy overcrowding.

119 Sec. 4. Subsection (a) of section 4b-58 of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective July*
121 *1, 2018*):

122 (a) (1) Except in the case of a project, a priority higher education
123 facility project, a project, as defined in subdivision (16) of section 10a-
124 109c, undertaken by The University of Connecticut, a community court
125 project, a correctional facility project, a juvenile detention center
126 project, and the downtown Hartford higher education center project,
127 the commissioner shall negotiate a contract for consultant services with
128 the firm most qualified, in the commissioner's judgment, at
129 compensation which the commissioner determines is both fair and
130 reasonable to the state. (2) In the case of a project, the commissioner
131 shall negotiate a contract for such services with the most qualified firm
132 from among the list of firms submitted by the panel at compensation
133 which the commissioner determines in writing to be fair and
134 reasonable to the state. If the commissioner is unable to conclude a
135 contract with any of the firms recommended by the panel, the
136 commissioner shall, after issuing written findings of fact documenting
137 the reasons for such inability, negotiate with those firms which the
138 commissioner determines to be most qualified, at fair and reasonable
139 compensation, to render the particular consultant services under
140 consideration. (3) Whenever consultant services are required for a
141 priority higher education facility project, a project involving the

142 construction, repair or alteration of a building or premises under the
143 supervision of the Office of the Chief Court Administrator or property
144 where the Judicial Department is the primary occupant, a community
145 court project, a correctional facility project, a juvenile detention center
146 project, or the downtown Hartford higher education center project, the
147 commissioner shall select and interview at least three consultants or
148 firms and shall negotiate a contract for consultant services with the
149 firm most qualified, in the commissioner's judgment, at compensation
150 which the commissioner determines is both fair and reasonable to the
151 state. [, except that if, in the opinion of the commissioner, the
152 Connecticut Juvenile Training School project needs to be expedited in
153 order to meet the needs of the Department of Children and Families,
154 the commissioner may waive such selection requirement.] Except for
155 the downtown Hartford higher education center project, the
156 commissioner shall notify the State Properties Review Board of the
157 commissioner's action not later than five business days after such
158 action for its approval or disapproval in accordance with subsection (i)
159 of section 4b-23, except that if, not later than fifteen days after such
160 notice, a decision has not been made, the board shall be deemed to
161 have approved such contract.

162 Sec. 5. Subsection (l) of section 10-233d of the 2018 supplement to
163 the general statutes is repealed and the following is substituted in lieu
164 thereof (*Effective July 1, 2018*):

165 (l) (1) Any student who commits an expellable offense and is
166 subsequently [committed to] placed in a juvenile detention center [, the
167 Connecticut Juvenile Training School] or any other residential
168 placement for such offense may be expelled by a local or regional
169 board of education in accordance with the provisions of this section.
170 The period of expulsion shall run concurrently with the period of
171 [commitment to] placement in a juvenile detention center [, the
172 Connecticut Juvenile Training School or any] or other residential
173 placement.

174 (2) If a student who committed an expellable offense seeks to return

175 to a school district after participating in a diversionary program or
176 having been [detained] placed in a juvenile detention center [, the
177 Connecticut Juvenile Training School] or any other residential
178 placement and such student has not been expelled by the local or
179 regional board of education for such offense under subdivision (1) of
180 this subsection, the local or regional board of education for the school
181 district to which the student is returning shall allow such student to
182 return and may not expel the student for additional time for such
183 offense.

184 Sec. 6. Subsection (b) of section 10-233k of the general statutes is
185 repealed and the following is substituted in lieu thereof (*Effective July*
186 *1, 2018*):

187 (b) The Department of Children and Families and the Judicial
188 Department or the local or regional board of education shall provide to
189 the superintendent of schools any educational records within their
190 custody of a child seeking to enter or return to a school district from a
191 juvenile detention center [, the Connecticut Juvenile Training School,]
192 or any other residential placement [,] prior to the child's entry or
193 return. The agencies shall also require any contracting entity that holds
194 custody of such records to provide them to the superintendent of
195 schools prior to the child's entry or return. Receipt of the educational
196 records shall not delay a child from enrolling in school. The
197 superintendent of schools shall provide such information to the
198 principal at the school the child will be attending. The principal shall
199 disclose such information to appropriate staff as is necessary to the
200 education or care of the child.

201 Sec. 7. Subsection (a) of section 12-19a of the general statutes is
202 repealed and the following is substituted in lieu thereof (*Effective July*
203 *1, 2018*):

204 (a) Until the fiscal year commencing July 1, 2016, on or before
205 January first, annually, the Secretary of the Office of Policy and
206 Management shall determine the amount due, as a state grant in lieu of
207 taxes, to each town in this state wherein state-owned real property,

208 reservation land held in trust by the state for an Indian tribe, a
209 municipally owned airport, or any airport owned by the Connecticut
210 Airport Authority, other than Bradley International Airport, except
211 that which was acquired and used for highways and bridges, but not
212 excepting property acquired and used for highway administration or
213 maintenance purposes, is located. The grant payable to any town
214 under the provisions of this section in the state fiscal year commencing
215 July 1, 1999, and each fiscal year thereafter, shall be equal to the total of
216 (1) (A) one hundred per cent of the property taxes which would have
217 been paid with respect to any facility designated by the Commissioner
218 of Correction, on or before August first of each year, to be a
219 correctional facility administered under the auspices of the
220 Department of Correction or a juvenile detention center under
221 direction of the [Department of Children and Families] Court Support
222 Services Division of the Judicial Branch that was used for incarcerative
223 purposes during the preceding fiscal year. If a list containing the name
224 and location of such designated facilities and information concerning
225 their use for purposes of incarceration during the preceding fiscal year
226 is not available from the Secretary of the State on the first day of
227 August of any year, said commissioner shall, on said first day of
228 August, certify to the Secretary of the Office of Policy and
229 Management a list containing such information, (B) one hundred per
230 cent of the property taxes which would have been paid with respect to
231 that portion of the John Dempsey Hospital located at The University of
232 Connecticut Health Center in Farmington that is used as a permanent
233 medical ward for prisoners under the custody of the Department of
234 Correction. Nothing in this section shall be construed as designating
235 any portion of The University of Connecticut Health Center John
236 Dempsey Hospital as a correctional facility, and (C) in the state fiscal
237 year commencing July 1, 2001, and each fiscal year thereafter, one
238 hundred per cent of the property taxes which would have been paid
239 on any land designated within the 1983 Settlement boundary and
240 taken into trust by the federal government for the Mashantucket
241 Pequot Tribal Nation on or after June 8, 1999, (2) subject to the
242 provisions of subsection (c) of this section, sixty-five per cent of the

243 property taxes which would have been paid with respect to the
244 buildings and grounds comprising Connecticut Valley Hospital in
245 Middletown. Such grant shall commence with the fiscal year beginning
246 July 1, 2000, and continuing each year thereafter, (3) notwithstanding
247 the provisions of subsections (b) and (c) of this section, with respect to
248 any town in which more than fifty per cent of the property is state-
249 owned real property, one hundred per cent of the property taxes
250 which would have been paid with respect to such state-owned
251 property. Such grant shall commence with the fiscal year beginning
252 July 1, 1997, and continuing each year thereafter, (4) subject to the
253 provisions of subsection (c) of this section, forty-five per cent of the
254 property taxes which would have been paid with respect to all other
255 state-owned real property, (5) forty-five per cent of the property taxes
256 which would have been paid with respect to all municipally owned
257 airports or any airport owned by the Connecticut Airport Authority,
258 other than Bradley International Airport, except for the exemption
259 applicable to such property, on the assessment list in such town for the
260 assessment date two years prior to the commencement of the state
261 fiscal year in which such grant is payable. The grant provided
262 pursuant to this section for any municipally owned airport or any
263 airport owned by the Connecticut Airport Authority, other than
264 Bradley International Airport, shall be paid to any municipality in
265 which the airport is located, except that the grant applicable to
266 Sikorsky Airport shall be paid half to the town of Stratford and half to
267 the city of Bridgeport, and (6) forty-five per cent of the property taxes
268 which would have been paid with respect to any land designated
269 within the 1983 Settlement boundary and taken into trust by the
270 federal government for the Mashantucket Pequot Tribal Nation prior
271 to June 8, 1999, or taken into trust by the federal government for the
272 Mohegan Tribe of Indians of Connecticut, provided (A) the real
273 property subject to this subdivision shall be the land only, and shall
274 not include the assessed value of any structures, buildings or other
275 improvements on such land, and (B) said forty-five per cent grant shall
276 be phased in as follows: (i) In the fiscal year commencing July 1, 2012,
277 an amount equal to ten per cent of said forty-five per cent grant, (ii) in

278 the fiscal year commencing July 1, 2013, thirty-five per cent of said
279 forty-five per cent grant, (iii) in the fiscal year commencing July 1,
280 2014, sixty per cent of said forty-five per cent grant, (iv) in the fiscal
281 year commencing July 1, 2015, eighty-five per cent of said forty-five
282 per cent grant, and (v) in the fiscal year commencing July 1, 2016, one
283 hundred per cent of said forty-five per cent grant.

284 Sec. 8. Subdivision (6) of section 17a-1 of the general statutes is
285 repealed and the following is substituted in lieu thereof (*Effective July*
286 *1, 2018*):

287 (6) "Youth" means [a youth, as defined in section 46b-120] any
288 person sixteen or seventeen years of age who has not been legally
289 emancipated;

290 Sec. 9. Subsection (a) of section 17a-3 of the 2018 supplement to the
291 general statutes is repealed and the following is substituted in lieu
292 thereof (*Effective July 1, 2018*):

293 (a) The department shall plan, create, develop, operate or arrange
294 for, administer and evaluate a comprehensive and integrated state-
295 wide program of services, including preventive services, for children
296 and youths whose behavior does not conform to the law or to
297 acceptable community standards, or who are mentally ill, including
298 deaf and hard of hearing children and youths who are mentally ill,
299 emotionally disturbed, substance abusers, [delinquent,] abused,
300 neglected or uncared for, including all children and youths who are or
301 may be committed to it by any court, and all children and youths
302 voluntarily admitted to, or remaining voluntarily under the
303 supervision of, the commissioner for services of any kind. Services
304 shall not be denied to any such child or youth solely because of other
305 complicating or multiple disabilities. The department shall work in
306 cooperation with other child-serving agencies and organizations to
307 provide or arrange for preventive programs, including, but not limited
308 to, teenage pregnancy and youth suicide prevention, for children and
309 youths and their families. The program shall provide services and
310 placements that are clinically indicated and appropriate to the needs of

311 the child or youth. [, except that such services and placements shall not
312 commence or continue for a delinquent child who has attained the age
313 of twenty.] In furtherance of this purpose, the department shall: (1)
314 [Maintain the Connecticut Juvenile Training School and other
315 appropriate facilities exclusively for delinquents; (2) develop] Develop
316 a comprehensive program for prevention of problems of children and
317 youths and provide a flexible, innovative and effective program for the
318 placement, care and treatment of children and youths committed by
319 any court to the department, transferred to the department by other
320 departments, or voluntarily admitted to the department; [(3)] (2)
321 provide appropriate services to families of children and youths as
322 needed to achieve the purposes of sections 17a-1 to 17a-26, inclusive, as
323 amended by this act, 17a-28 to 17a-49, inclusive, as amended by this
324 act, and 17a-51; [(4)] (3) establish incentive paid work programs for
325 children and youths under the care of the department and the rates to
326 be paid such children and youths for work done in such programs and
327 may provide allowances to children and youths in the custody of the
328 department; [(5)] (4) be responsible to collect, interpret and publish
329 statistics relating to children and youths within the department; [(6)]
330 (5) conduct studies of any program, service or facility developed,
331 operated, contracted for or supported by the department in order to
332 evaluate its effectiveness; [(7)] (6) establish staff development and
333 other training and educational programs designed to improve the
334 quality of departmental services and programs, which shall include,
335 but not be limited to, training in the prevention, identification and
336 effects of family violence, provided no social worker trainee shall be
337 assigned a case load prior to completing training, and may establish
338 educational or training programs for children, youths, parents or other
339 interested persons on any matter related to the promotion of the well-
340 being of children, or the prevention of mental illness, emotional
341 disturbance [, delinquency] and other disabilities in children and
342 youths; [(8)] (7) develop and implement aftercare and follow-up
343 services appropriate to the needs of any child or youth under the care
344 of the department; [(9)] (8) establish a case audit unit to monitor each
345 regional office's compliance with regulations and procedures; [(10)] (9)

346 develop and maintain a database listing available community service
347 programs funded by the department; [(11)] (10) provide outreach and
348 assistance to persons caring for children whose parents are unable to
349 do so by informing such persons of programs and benefits for which
350 they may be eligible; and [(12)] (11) collect data sufficient to identify
351 the housing needs of children served by the department and share
352 such data with the Department of Housing.

353 Sec. 10. Subsection (a) of section 17a-4 of the general statutes is
354 repealed and the following is substituted in lieu thereof (*Effective July*
355 *1, 2018*):

356 (a) There shall be a State Advisory Council on Children and
357 Families which shall consist of nineteen members as follows: (1)
358 Thirteen members appointed by the Governor, including two persons
359 who are child care professionals, two persons eighteen to twenty-five
360 years of age, inclusive, served by the Department of Children and
361 Families, one child psychiatrist licensed to practice medicine in this
362 state and one attorney who has expertise in legal issues related to
363 children and youth and seven persons who shall be representative of
364 young persons, parents and others interested in the delivery of services
365 to children and youths, including child protection, behavioral health [,
366 juvenile justice] and prevention services, at least four of whom shall be
367 parents, foster parents or family members of children who have
368 received, or are receiving, behavioral health services [,] or child welfare
369 services; [or juvenile services;] and (2) six members representing the
370 regional advisory councils established pursuant to section 17a-30,
371 appointed one each by the members of each council. On and after
372 October 1, 2014, no more than half the members of the council shall be
373 persons who receive income from a private practice or any public or
374 private agency that delivers mental health, substance abuse, child
375 abuse prevention and treatment [,] or child welfare services. [or
376 juvenile services.] Members of the council shall serve without
377 compensation, except for necessary expenses incurred in the
378 performance of their duties. The Department of Children and Families
379 shall provide the council with funding to facilitate the participation of

380 those members representing families and youth, as well as for other
381 administrative support services. Members shall serve on the council
382 for terms of two years each and no member shall serve for more than
383 three consecutive terms. The commissioner shall be an ex-officio
384 member of the council without vote and shall attend its meetings. Any
385 member who fails to attend three consecutive meetings or fifty per cent
386 of all meetings during any calendar year shall be deemed to have
387 resigned. The council shall elect a chairperson and vice-chairperson to
388 act in the chairperson's absence.

389 Sec. 11. Section 17a-6 of the general statutes is repealed and the
390 following is substituted in lieu thereof (*Effective July 1, 2018*):

391 The commissioner, or the commissioner's designee, shall:

392 (a) Establish or contract for the use of a variety of facilities and
393 services for identification, evaluation, discipline, rehabilitation,
394 aftercare, treatment and care of children and youths in need of the
395 department's services;

396 (b) Administer in a coordinated and integrated manner all
397 institutions and facilities which are or may come under the jurisdiction
398 of the department and shall appoint advisory groups for any such
399 institution or facility;

400 (c) Encourage the development of programs and the establishment
401 of facilities for children and youths by public or private agencies and
402 groups;

403 (d) Enter into cooperative arrangements with public or private
404 agencies outside the state;

405 (e) Insure that all children under the commissioner's supervision
406 have adequate food, clothing, shelter and adequate medical, dental,
407 psychiatric, psychological, social, religious and other services;

408 (f) Provide, in the commissioner's discretion, needed service to any
409 municipality, agency, or person, whether or not such person is

410 committed to the commissioner;

411 (g) Adopt and enforce regulations and establish rules for the
412 internal operation and administration of the department in accordance
413 with chapter 54;

414 (h) Undertake, contract for or otherwise stimulate research
415 concerning children and youths;

416 (i) Subject to the provisions of chapter 67, appoint such professional,
417 technical and other personnel as may be necessary for the efficient
418 operation of the department;

419 (j) Coordinate the activities of the department with those of other
420 state departments, municipalities and private agencies concerned with
421 providing services for children and youths and their families;

422 [(k) Act as administrator of the Interstate Compact for Juveniles
423 under section 46b-151h;]

424 [(l)] (k) Provide or arrange for the provision of suitable education
425 for every child under the commissioner's supervision, either in public
426 schools, special educational programs, private schools, educational
427 programs within the institutions or facilities under the commissioner's
428 jurisdiction, or work and training programs otherwise provided by
429 law. The suitability of educational programs provided by the
430 commissioner shall be subject to review by the Department of
431 Education;

432 [(m)] (l) Submit to the state advisory council for its comment
433 proposals for new policies or programs and the proposed budget for
434 the department;

435 [(n)] (m) Have any and all other powers and duties as are necessary
436 to administer the department and implement the purposes of sections
437 17a-1 to 17a-26, inclusive, as amended by this act, and 17a-28 to 17a-49,
438 inclusive, as amended by this act; and

439 [(o)] (n) Conduct and render a final decision in administrative
440 hearings; [; and]

441 [(p) Provide programs for juvenile offenders that are gender specific
442 in that they comprehensively address the unique needs of a targeted
443 gender group.]

444 Sec. 12. Subsection (b) of section 17a-11 of the general statutes is
445 repealed and the following is substituted in lieu thereof (*Effective July*
446 *1, 2018*):

447 (b) A child or youth voluntarily admitted to the department shall be
448 deemed to be within the care of the commissioner until such admission
449 is terminated. The commissioner shall terminate the admission of any
450 child or youth voluntarily admitted to the department within ten days
451 after receipt of a written request for termination from a parent or
452 guardian of any child under fourteen years of age or from a child if
453 such child is fourteen years of age or older, or youth, unless prior to
454 the expiration of that time the commissioner has sought and received
455 from the Superior Court an order of temporary custody as provided by
456 law. Except as provided in subsection (i) of this section, the
457 commissioner may terminate the admission of any child or youth
458 voluntarily admitted to the department after (1) giving reasonable
459 notice in writing to (A) the parent or guardian of any child or youth,
460 and (B) the child, if such child is fourteen years of age or older, or
461 youth, and (2) if the commissioner has previously petitioned the
462 Probate Court pursuant to subsection (c) of this section, providing
463 notice to the Probate Court of such petition. Any child or youth
464 admitted voluntarily to the department may be placed in, or
465 transferred to, any resource, facility or institution within the
466 department or available to the commissioner, [except the Connecticut
467 Juvenile Training School,] provided the commissioner shall give
468 written notice to such child or youth and to the parent or guardian of
469 the child of the commissioner's intention to make a transfer at least ten
470 days prior to any actual transfer, unless written notice is waived by
471 those entitled to receive it, or unless an emergency commitment of

472 such child or youth is made pursuant to section 17a-502. Any child or
473 youth admitted voluntarily to the department may be transferred to
474 the supervision of the Department of Mental Health and Addiction
475 Services or the Department of Developmental Services, in collaboration
476 with the commissioner of the department to which the child is
477 transferred. The Commissioner of Children and Families shall provide
478 written notice of his or her intention to make a transfer at least ten
479 days prior to any actual transfer to a child fourteen years of age or
480 older, or youth, and to the parent or guardian of the child or youth
481 being transferred. If the department has previously filed a petition
482 with the Probate Court under subsection (c) of this section, the
483 commissioner shall provide notice of such petition to the court. The
484 Commissioner of Children and Families may continue to provide
485 services to the child or youth in collaboration with the department to
486 which the child or youth has been transferred or may terminate the
487 voluntary services if, in the commissioner's discretion, the department
488 to which the child or youth has been transferred provides adequate
489 services. The commissioner shall provide written notice of his or her
490 intention to terminate services following a transfer to another
491 department to a child fourteen years of age or older, or youth, and to
492 the parent or guardian of such child or youth. If the department has
493 previously filed a petition with the Probate Court under subsection (c)
494 of this section, the commissioner shall provide notice of such petition
495 to the court.

496 Sec. 13. Section 17a-12 of the general statutes is repealed and the
497 following is substituted in lieu thereof (*Effective July 1, 2018*):

498 (a) When the commissioner, or the commissioner's designee,
499 determines that a change of program is in the best interest of any child
500 or youth committed or transferred to the department, the
501 commissioner or the commissioner's designee may transfer such
502 person to any appropriate resource or program administered by or
503 available to the department, to any other state department or agency,
504 or to any private agency or organization within or without the state
505 under contract with the department. [; provided no child or youth

506 voluntarily admitted to the department under section 17a-11 shall be
507 placed or subsequently transferred to the Connecticut Juvenile
508 Training School; and further provided no transfer shall be made to any
509 institution, hospital or facility under the jurisdiction of the Department
510 of Correction, except as authorized by section 18-87, unless it is so
511 ordered by the Superior Court after a hearing. When, in the opinion of
512 the commissioner, or the commissioner's designee, a person fourteen
513 years of age or older is dangerous to himself or herself or others or
514 cannot be safely held at the Connecticut Juvenile Training School, if a
515 male, or at any other facility within the state available to the
516 Commissioner of Children and Families, the commissioner, or the
517 commissioner's designee, may request an immediate hearing before
518 the Superior Court on the docket for juvenile matters where such
519 person was originally committed to determine whether such person
520 shall be transferred to the John R. Manson Youth Institution, Cheshire,
521 if a male, or the York Correctional Institution, if a female. The court
522 shall, within three days of the hearing, make such determination. If the
523 court orders such transfer, the transfer shall be reviewed by the court
524 every six months thereafter to determine whether it should be
525 continued or terminated, unless the commissioner has already
526 exercised the powers granted to the commissioner under section 17a-
527 13 by removing such person from the John R. Manson Youth
528 Institution, Cheshire or the York Correctional Institution. Such transfer
529 shall terminate upon the expiration of the commitment in such juvenile
530 matter.]

531 (b) [Any delinquent child, if a male, may be placed at any time in
532 the Connecticut Juvenile Training School.] The commissioner may
533 transfer any child or youth committed to the commissioner to any
534 institution, hospital or facility for mentally ill children under the
535 commissioner's jurisdiction for a period not to exceed fifteen days if
536 the need for such emergency treatment is certified by a psychiatrist
537 licensed to practice medicine by the state.

538 Sec. 14. Section 17a-32 of the general statutes is repealed and the
539 following is substituted in lieu thereof (*Effective July 1, 2018*):

540 (a) The name of the Department of Children and Families facility at
541 Connecticut Valley Hospital in the city of Middletown shall be the
542 Albert J. Solnit Children's Center - South Campus.

543 [(b) The name of the Department of Children and Families facility in
544 the city of Middletown shall be the Connecticut Juvenile Training
545 School.]

546 [(c)] (b) The name of the Department of Children and Families
547 facility in the town of East Windsor shall be the Albert J. Solnit
548 Children's Center - North Campus.

549 [(d)] (c) The name of the Department of Children and Families
550 facility in the town of Hartland shall be the Wilderness School.

551 Sec. 15. Section 17a-185 of the general statutes is repealed and the
552 following is substituted in lieu thereof (*Effective July 1, 2018*):

553 Any officer of the state police or of an organized municipal police
554 department may transport, with the sole written consent of the person
555 transported, any person over sixteen years of age and less than
556 eighteen years of age who appears to be away from home without
557 permission of such person's parents or guardian or who appears to be
558 suffering from lack of food, shelter or medical care to any public or
559 private facility, provided institutions of the Department of Correction
560 [the Connecticut Juvenile Training School] and local police detention
561 facilities shall not be used for such purpose. The person or
562 organization to whom such person is transported shall, if practicable,
563 inform such person's parent or guardian of such person's whereabouts
564 within twelve hours. Such procedure shall be civil in nature, shall not
565 constitute an arrest and shall be made solely for the purpose of
566 safeguarding the interests and welfare of such person.

567 Sec. 16. Subsection (b) of section 22a-1f of the general statutes is
568 repealed and the following is substituted in lieu thereof (*Effective July*
569 *1, 2018*):

570 (b) Environmental impact evaluations shall not be required for [the

571 Connecticut Juvenile Training School project, as defined in section 4b-
572 55, and] the extension of [such] the project otherwise known as the
573 Connecticut River Interceptor Sewer Project, or a project, as defined in
574 subdivision (16) of section 10a-109c, which involves the conversion of
575 an existing structure for educational rather than office or commercial
576 use.

577 Sec. 17. Section 46b-120 of the 2018 supplement to the general
578 statutes is repealed and the following is substituted in lieu thereof
579 (*Effective July 1, 2018*):

580 The terms used in this chapter shall, in its interpretation and in the
581 interpretation of other statutes, be defined as follows:

582 (1) "Child" means any person under eighteen years of age who has
583 not been legally emancipated, except that (A) for purposes of
584 delinquency matters and proceedings, "child" means any person who
585 (i) is at least seven years of age at the time of the alleged commission of
586 a delinquent act and who is (I) under eighteen years of age and has not
587 been legally emancipated, or (II) eighteen years of age or older and
588 committed a delinquent act prior to attaining eighteen years of age, or
589 (ii) is subsequent to attaining eighteen years of age, (I) violates any
590 order of the Superior Court or any condition of probation ordered by
591 the Superior Court with respect to a delinquency proceeding, or (II)
592 wilfully fails to appear in response to a summons under section 46b-
593 133, as amended by this act, or at any other court hearing in a
594 delinquency proceeding of which the child had notice, and (B) for
595 purposes of family with service needs matters and proceedings, child
596 means a person who is at least seven years of age and is under
597 eighteen years of age;

598 [(2) "Youth" means any person sixteen or seventeen years of age
599 who has not been legally emancipated;

600 (3) A child may be found "mentally deficient" who, by reason of a
601 deficiency of intelligence that has existed from birth or from early age,
602 requires, or will require, for such child's protection or for the

603 protection of others, special care, supervision and control;]

604 [(4)] (2) (A) A child may be [convicted] adjudicated as "delinquent"
605 who has, while under sixteen years of age, (i) violated any federal or
606 state law, except section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or
607 53a-223a, or violated a municipal or local ordinance, except an
608 ordinance regulating behavior of a child in a family with service needs,
609 (ii) wilfully failed to appear in response to a summons under section
610 46b-133, as amended by this act, or at any other court hearing in a
611 delinquency proceeding of which the child had notice, (iii) violated
612 any order of the Superior Court in a delinquency proceeding, except as
613 provided in section 46b-148, or (iv) violated conditions of probation
614 supervision or probation supervision with residential placement in a
615 delinquency proceeding as ordered by the court;

616 (B) A child may be [convicted] adjudicated as "delinquent" who has
617 (i) while sixteen or seventeen years of age, violated any federal or state
618 law, other than (I) an infraction, except an infraction under subsection
619 (d) of section 21a-267, (II) a violation, except a violation under
620 subsection (a) of section 21a-279a, (III) a motor vehicle offense or
621 violation under title 14, (IV) a violation of a municipal or local
622 ordinance, or (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-
623 222, 53a-222a, 53a-223 or 53a-223a, (ii) while sixteen years of age or
624 older, wilfully failed to appear in response to a summons under
625 section 46b-133, as amended by this act, or at any other court hearing
626 in a delinquency proceeding of which the child had notice, (iii) while
627 sixteen years of age or older, violated any order of the Superior Court
628 in a delinquency proceeding, except as provided in section 46b-148, or
629 (iv) while sixteen years of age or older, violated conditions of
630 probation supervision or probation supervision with residential
631 placement in a delinquency proceeding as ordered by the court;

632 [(5)] (3) "Family with service needs" means a family that includes a
633 child who is at least seven years of age and is under eighteen years of
634 age who (A) has without just cause run away from the parental home
635 or other properly authorized and lawful place of abode, (B) is beyond

636 the control of the child's [or youth's] parent, parents, guardian or other
637 custodian, (C) has engaged in indecent or immoral conduct, or (D) is
638 thirteen years of age or older and has engaged in sexual intercourse
639 with another person and such other person is thirteen years of age or
640 older and not more than two years older or younger than such child;

641 [(6)] (4) A child [or youth] may be found "neglected" who, for
642 reasons other than being impoverished, (A) has been abandoned, (B) is
643 being denied proper care and attention, physically, educationally,
644 emotionally or morally, or (C) is being permitted to live under
645 conditions, circumstances or associations injurious to the well-being of
646 the child; [or youth;]

647 [(7)] (5) A child [or youth] may be found "abused" who (A) has been
648 inflicted with physical injury or injuries other than by accidental
649 means, (B) has injuries that are at variance with the history given of
650 them, or (C) is in a condition that is the result of maltreatment,
651 including, but not limited to, malnutrition, sexual molestation or
652 exploitation, deprivation of necessities, emotional maltreatment or
653 cruel punishment;

654 [(8)] (6) A child [or youth] may be found "uncared for" (A) who is
655 homeless, (B) whose home cannot provide the specialized care that the
656 physical, emotional or mental condition of the child [or youth]
657 requires, or (C) who has been identified as a victim of trafficking, as
658 defined in section 46a-170. For the purposes of this section, the
659 treatment of any child [or youth] by an accredited Christian Science
660 practitioner, in lieu of treatment by a licensed practitioner of the
661 healing arts, shall not of itself constitute neglect or maltreatment;

662 [(9)] (7) "Delinquent act" means (A) the violation by a child under
663 the age of sixteen of any federal or state law, except the violation of
664 section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the
665 violation of a municipal or local ordinance, except an ordinance
666 regulating behavior of a child in a family with service needs, (B) the
667 violation by a child sixteen or seventeen years of age of any federal or
668 state law, other than (i) an infraction, except an infraction under

669 subsection (d) of section 21a-267, (ii) a violation, except a violation
670 under subsection (a) of section 21a-279a, (iii) a motor vehicle offense or
671 violation under title 14, (iv) the violation of a municipal or local
672 ordinance, or (v) the violation of section 51-164r, 53a-172, 53a-173, 53a-
673 222, 53a-222a, 53a-223 or 53a-223a, (C) the wilful failure of a child,
674 including a child who has attained the age of eighteen, to appear in
675 response to a summons under section 46b-133, as amended by this act,
676 or at any other court hearing in a delinquency proceeding of which the
677 child has notice, (D) the violation of any order of the Superior Court in
678 a delinquency proceeding by a child, including a child who has
679 attained the age of eighteen, except as provided in section 46b-148, or
680 (E) the violation of conditions of probation supervision or probation
681 supervision with residential placement in a delinquency proceeding by
682 a child, including a child who has attained the age of eighteen, as
683 ordered by the court;

684 [(10)] (8) "Serious juvenile offense" means (A) the violation of,
685 including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-
686 33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21,
687 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
688 inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to
689 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
690 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
691 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
692 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or
693 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
694 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause,
695 from any secure placement other than home while referred as a
696 delinquent child to the Court Support Services Division; [or committed
697 as a delinquent child to the Commissioner of Children and Families for
698 a serious juvenile offense;]

699 [(11)] (9) "Serious juvenile offender" means any child [convicted]
700 adjudicated as delinquent for the commission of a serious juvenile
701 offense;

702 [(12) "Serious juvenile repeat offender" means any child charged
703 with the commission of any felony if such child has previously been
704 convicted as delinquent or otherwise convicted at any age for two
705 violations of any provision of title 21a, 29, 53 or 53a that is designated
706 as a felony;]

707 [(13)] (10) "Alcohol-dependent" means a psychoactive substance
708 dependence on alcohol as that condition is defined in the most recent
709 edition of the American Psychiatric Association's "Diagnostic and
710 Statistical Manual of Mental Disorders"; and

711 [(14)] (11) "Drug-dependent" means a psychoactive substance
712 dependence on drugs as that condition is defined in the most recent
713 edition of the American Psychiatric Association's "Diagnostic and
714 Statistical Manual of Mental Disorders". No child shall be classified as
715 drug-dependent who is dependent (A) upon a morphine-type
716 substance as an incident to current medical treatment of a
717 demonstrable physical disorder other than drug dependence, or (B)
718 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or
719 other stimulant and depressant substances as an incident to current
720 medical treatment of a demonstrable physical or psychological
721 disorder, or both, other than drug dependence;

722 (12) "Pre-dispositional study" means a comprehensive written
723 report prepared by a juvenile probation officer pursuant to section 46b-
724 134, as amended by this act, regarding the child's social, medical,
725 mental health, educational, risks and needs, and family history, as well
726 as the events surrounding the offense to present a supported
727 recommendation to the court;

728 (13) "Probation supervision" means a legal status whereby a juvenile
729 who has been adjudicated delinquent is placed by the court under the
730 supervision of juvenile probation for a specified period of time and
731 upon such terms as the court determines;

732 (14) "Probation supervision with residential placement" means a
733 legal status whereby a juvenile who has been adjudicated delinquent is

734 placed by the court under the supervision of juvenile probation for a
735 specified period of time, upon such terms as the court determines, that
736 include a period of placement in a secure or staff-secure residential
737 treatment facility, as ordered by the court, and a period of supervision
738 in the community;

739 (15) "Risk and needs assessment" means a standardized tool that (A)
740 assists juvenile probation officers in collecting and synthesizing
741 information about a child to estimate the child's risk of recidivating
742 and identify other factors that, if treated and changed, can reduce the
743 child's likelihood of reoffending, and (B) provides a guide for
744 intervention planning;

745 (16) "Secure-residential facility" means a hardware-secured
746 residential facility that includes direct staff supervision, surveillance
747 enhancements and physical barriers that allow for close supervision
748 and controlled movement in a treatment setting; and

749 (17) "Staff-secure residential facility" means a residential facility that
750 provides residential treatment for children in a structured setting
751 where the children are monitored by staff.

752 Sec. 18. Subdivision (5) of section 46b-120 of the general statutes, as
753 amended by section 146 of public act 17-2 of the June special session, is
754 repealed and the following is substituted in lieu thereof (*Effective July*
755 *1, 2019*):

756 [(5)] (3) "Family with service needs" means a family that includes a
757 child who is at least seven years of age and is under eighteen years of
758 age who, according to a petition lawfully filed on or before June 30,
759 2019, (A) has without just cause run away from the parental home or
760 other properly authorized and lawful place of abode, (B) is beyond the
761 control of the child's [or youth's] parent, parents, guardian or other
762 custodian, (C) has engaged in indecent or immoral conduct, or (D) is
763 thirteen years of age or older and has engaged in sexual intercourse
764 with another person and such other person is thirteen years of age or
765 older and not more than two years older or younger than such child;

766 [or youth.]

767 Sec. 19. Section 46b-121 of the general statutes is repealed and the
768 following is substituted in lieu thereof (*Effective July 1, 2018*):

769 (a) (1) Juvenile matters in the civil session include all proceedings
770 concerning uncared-for, neglected or abused children [and youths]
771 within this state, termination of parental rights of children committed
772 to a state agency, adoption proceedings pursuant to section 46b-129b,
773 matters concerning families with service needs, contested matters
774 involving termination of parental rights or removal of guardian
775 transferred from the Probate Court and the emancipation of minors,
776 but does not include matters of guardianship and adoption or matters
777 affecting property rights of any child [or youth] over which the
778 Probate Court has jurisdiction, except that appeals from probate
779 concerning adoption, termination of parental rights and removal of a
780 parent as guardian shall be included.

781 (2) (A) Juvenile matters in the criminal session include all
782 proceedings concerning delinquent children within this state and
783 persons eighteen years of age and older who are under the supervision
784 of a juvenile probation officer while on probation [or a suspended
785 commitment to the Department of Children and Families] supervision
786 or probation supervision with residential placement, for purposes of
787 enforcing any court orders entered as part of such probation. [or
788 suspended commitment.]

789 (B) A juvenile who has been placed on probation supervision is
790 subject to the continuing jurisdiction of the court and may be subject to
791 other reasonable court-ordered restrictions or conditions and required
792 to participate in a variety of appropriate programmatic services.

793 (C) A juvenile who has been placed on probation supervision with
794 residential placement is subject to the continuing jurisdiction of the
795 court and may be subject to other reasonable court-ordered restrictions
796 or conditions and required to participate in a variety of appropriate
797 programmatic services.

798 (b) (1) In juvenile matters, the Superior Court shall have authority to
799 make and enforce such orders directed to parents, including any
800 person who acknowledges before the court paternity of a child born
801 out of wedlock, guardians, custodians or other adult persons owing
802 some legal duty to a child therein, as the court deems necessary or
803 appropriate to secure the welfare, protection, proper care and suitable
804 support of a child subject to the court's jurisdiction or otherwise
805 committed to or in the custody of the Commissioner of Children and
806 Families. The Superior Court may order a local or regional board of
807 education to provide to the court educational records of a child for the
808 purpose of determining the need for services or placement of the child.
809 In proceedings concerning a child charged with a delinquent act or
810 with being from a family with service needs, records produced subject
811 to such an order shall be maintained under seal by the court and shall
812 be released only after a hearing or with the consent of the child.
813 Educational records obtained pursuant to this section shall be used
814 only for dispositional purposes. In addition, with respect to
815 proceedings concerning delinquent children, the Superior Court shall
816 have authority to make and enforce such orders as the court deems
817 necessary or appropriate to provide individualized supervision, care,
818 accountability and treatment to such child in a manner consistent with
819 public safety, deter the child from the commission of further
820 delinquent acts, ensure that the child is responsive to the court process,
821 ensure that the safety of any other person will not be endangered and
822 provide restitution to any victim. The Superior Court shall also have
823 authority to grant and enforce temporary and permanent injunctive
824 relief in all proceedings concerning juvenile matters.

825 (2) If any order for the payment of money is issued by the Superior
826 Court, including any order assessing costs issued under section 46b-
827 134, as amended by this act, or 46b-136, the collection of such money
828 shall be made by the court, except orders for support of children
829 committed to any state agency or department, which orders shall be
830 made payable to and collected by the Department of Administrative
831 Services. If the Superior Court after due diligence is unable to collect
832 such moneys within six months, the court shall refer such case to the

833 Department of Administrative Services for collection as a delinquent
834 account. In juvenile matters, the Superior Court shall have authority to
835 make and enforce orders directed to persons liable hereunder on
836 petition of the Department of Administrative Services made to the
837 court in the same manner as is provided in section 17b-745, in
838 accordance with the provisions of section 17b-81 or 17b-223, subsection
839 (b) of section 17b-179 or section 17a-90, 46b-129 or 46b-130, and all of
840 the provisions of section 17b-745 shall be applicable to such
841 proceedings. [Any judge hearing a juvenile matter may make any
842 other order in connection therewith that a judge of the Superior Court
843 is authorized to grant and such order shall have the same force and
844 effect as any other order of the Superior Court. No commitment to the
845 Department of Children and Families may be ordered or continued for
846 a delinquent child who has attained the age of twenty.
847 Notwithstanding the terms of any order in effect on October 1, 2011,
848 any commitment to the Department of Children and Families in a
849 delinquency proceeding pursuant to this chapter shall terminate not
850 later than the date the child attains the age of twenty.]

851 (3) In the enforcement of the court's orders, in connection with any
852 juvenile matter, the court may issue process for the arrest of any
853 person, compel attendance of witnesses and punish for contempt by a
854 fine not exceeding one hundred dollars or imprisonment not exceeding
855 six months.

856 Sec. 20. Section 46b-121h of the general statutes is repealed and the
857 following is substituted in lieu thereof (*Effective July 1, 2018*):

858 It is the intent of the General Assembly that the juvenile justice
859 system provide individualized supervision, care, accountability and
860 treatment in a manner consistent with public safety to those juveniles
861 who violate the law. The juvenile justice system shall also promote
862 prevention efforts through the support of programs and services
863 designed to [meet the needs of juveniles charged with the commission
864 of a delinquent act] prevent re-offending. The goals of the juvenile
865 justice system shall be to:

- 866 (1) Hold juveniles accountable for their unlawful behavior;
- 867 (2) Provide secure and therapeutic confinement to those juveniles
868 who present a danger to the community;
- 869 (3) Adequately protect the community and juveniles;
- 870 (4) Provide programs and services that are community-based and
871 [are provided] in close proximity to the juvenile's community;
- 872 (5) [Retain] Maintain and support juveniles within their homes
873 whenever possible and appropriate;
- 874 (6) Base probation [treatment] case planning upon individual [case
875 management plans] risks and needs;
- 876 (7) Include the juvenile's family in [the] case [management plan]
877 planning;
- 878 (8) Provide supervision and service coordination where appropriate
879 and implement and monitor the case [management] plan in order to
880 discourage reoffending;
- 881 (9) Provide follow-up and [nonresidential postrelease] community-
882 based services to juveniles who are returned to their families or
883 communities;
- 884 (10) Promote the development and implementation of community-
885 based programs [including, but not limited to, mental health services,]
886 designed to prevent [unlawful behavior] reoffending and to effectively
887 minimize the depth and duration of the juvenile's involvement in the
888 juvenile justice system; and
- 889 (11) Create and maintain programs for [juvenile offenders that are
890 gender specific in that they comprehensively address the unique needs
891 of a targeted gender group] juveniles that (A) are developmentally
892 appropriate, trauma informed and gender responsive, and (B)
893 incorporate restorative principles and practices.

894 Sec. 21. Section 46b-121k of the general statutes is repealed and the
895 following is substituted in lieu thereof (*Effective July 1, 2018*):

896 (a) (1) The Judicial Branch shall develop [constructive programs for
897 the prevention and reduction of delinquency and crime among
898 juvenile offenders. To develop such programs, the executive director of
899 the Court Support Services Division within the Judicial Branch shall
900 cooperate with other agencies to encourage the establishment of new
901 programs and to provide a continuum of services for juvenile
902 offenders who do not require secure placement, including, but not
903 limited to, juveniles classified pursuant to the risk assessment
904 instrument described in section 46b-121i, as those who may be released
905 with structured supervision and those who may be released without
906 supervision. When appropriate, the Judicial Branch shall coordinate
907 such programs with the Department of Children and Families and the
908 Department of Mental Health and Addiction Services] a continuum of
909 community-based programs for the reduction of delinquency among
910 juveniles. When appropriate, the Judicial Branch shall coordinate such
911 programs with the Department of Children and Families, the State
912 Department of Education, the Department of Mental Health and
913 Addiction Services, the Department of Social Services and the
914 Department of Developmental Services, and any other agencies as
915 necessary.

916 [(2) The programs shall be tailored to the type of juvenile, including
917 the juvenile's offense history, age, maturity and social development,
918 gender, mental health, alcohol dependency or drug dependency, need
919 for structured supervision and other characteristics, and shall be
920 culturally appropriate, trauma-informed and provided in the least
921 restrictive environment possible in a manner consistent with public
922 safety. The Judicial Branch shall develop programs that provide: (A)
923 Intensive general education, with an individualized remediation plan
924 for each juvenile; (B) appropriate job training and employment
925 opportunities; (C) counseling sessions in anger management and
926 nonviolent conflict resolution; (D) treatment and prevention programs
927 for alcohol dependency and drug dependency; (E) mental health

928 screening, assessment and treatment; (F) sexual offender treatment;
929 and (G) services for families of juveniles.

930 (b) The Judicial Branch may contract to establish regional secure
931 residential facilities and regional highly supervised residential and
932 nonresidential facilities for juveniles referred by the court. Such
933 facilities shall operate within contracted-for capacity limits. Such
934 facilities shall be exempt from the licensing requirements of section
935 17a-145.

936 (c) The Judicial Branch shall collaborate with private residential
937 facilities providing residential programs and with community-based
938 nonresidential postrelease programs.

939 (d) The Judicial Branch, as part of a publicly bid contract for an
940 alternative incarceration program, may include a requirement that the
941 contractor provide for space necessary for juvenile probation offices
942 and other staff of the Court Support Services Division to perform their
943 duties.

944 (e) Any program developed by the Judicial Branch that is designed
945 to prevent or reduce delinquency and crime among juvenile offenders
946 shall be gender specific, as necessary, and shall comprehensively
947 address the unique needs of a targeted gender group.]

948 (2) The continuum of community-based programs shall be designed
949 to address the individual risks and needs of juveniles, shall have the
950 capacity to take into account each juvenile's history, age, maturity and
951 social development, gender, mental health, alcohol or drug use, need
952 for structured supervision and other characteristics, and shall be
953 culturally appropriate, trauma-informed and provided in the least
954 restrictive environment possible in a manner consistent with public
955 safety. The Judicial Branch shall develop programs that provide
956 research and evidence-based skills-training and assistance to promote
957 independent living skills, positive activities and social connections in
958 the juveniles' home communities and to address: (A) Anti-sociality,
959 impulse control and behavioral problems; (B) anger management and

960 nonviolent conflict resolution; (C) alcohol and drug use and
961 dependency; (D) mental health needs; (E) inappropriate sexual
962 behavior; (F) family engagement; (G) academic disengagement; and
963 (H) technical and vocational training needs.

964 (b) The Judicial Branch may establish or contract to establish secure
965 and staff-secure residential facilities for juveniles referred by the court.
966 Such facilities shall be exempt from the licensing requirements of
967 section 17a-145.

968 (c) The Judicial Branch, as part of a publicly bid contract, may
969 include a requirement that the contractor provide for space necessary
970 for juvenile probation offices and other staff of the Court Support
971 Services Division to perform their duties.

972 [(f)] (d) The Judicial Branch [shall] may consult with the
973 Commission on Racial and Ethnic Disparity in the Criminal Justice
974 System established pursuant to section 51-10c to address the needs of
975 minorities in the juvenile justice system.

976 Sec. 22. Section 46b-124 of the 2018 supplement to the general
977 statutes is repealed and the following is substituted in lieu thereof
978 (*Effective July 1, 2018*):

979 (a) For the purposes of this section, "records of cases of juvenile
980 matters" includes, but is not limited to, court records, records
981 regarding juveniles maintained by the Court Support Services
982 Division, records regarding juveniles maintained by an organization or
983 agency that has contracted with the Judicial Branch to provide services
984 to juveniles, records of law enforcement agencies including
985 fingerprints, photographs and physical descriptions, and medical,
986 psychological, psychiatric and social welfare studies and reports by
987 juvenile probation officers, public or private institutions, social
988 agencies and clinics.

989 (b) All records of cases of juvenile matters, as provided in section
990 46b-121, as amended by this act, except delinquency proceedings, or

991 any part thereof, and all records of appeals from probate brought to
992 the superior court for juvenile matters pursuant to section 45a-186,
993 shall be confidential and for the use of the court in juvenile matters,
994 and open to inspection or disclosure to any third party, including bona
995 fide researchers commissioned by a state agency, only upon order of
996 the Superior Court, except that: (1) Such records shall be available to
997 (A) the attorney representing the child, [or youth,] including the
998 Division of Public Defender Services, in any proceeding in which such
999 records are relevant, (B) the parents or guardian of the child [or youth]
1000 until such time as the child [or youth] reaches the age of majority or
1001 becomes emancipated, (C) an adult adopted person in accordance with
1002 the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
1003 inclusive, (D) employees of the Division of Criminal Justice who, in the
1004 performance of their duties, require access to such records, (E)
1005 employees of the Judicial Branch who, in the performance of their
1006 duties, require access to such records, (F) another court under the
1007 provisions of subsection (d) of section 46b-115j, (G) the subject of the
1008 record, upon submission of satisfactory proof of the subject's identity,
1009 pursuant to guidelines prescribed by the Office of the Chief Court
1010 Administrator, provided the subject has reached the age of majority or
1011 has been emancipated, (H) the Department of Children and Families,
1012 (I) the employees of the Division of Public Defender Services who, in
1013 the performance of their duties related to Division of Public Defender
1014 Services assigned counsel, require access to such records, and (J)
1015 judges and employees of the Probate Court who, in the performance of
1016 their duties, require access to such records; and (2) all or part of the
1017 records concerning a youth in crisis with respect to whom a court
1018 order was issued prior to January 1, 2010, may be made available to
1019 the Department of Motor Vehicles, provided such records are relevant
1020 to such order. Any records of cases of juvenile matters, or any part
1021 thereof, provided to any persons, governmental or private agencies, or
1022 institutions pursuant to this section shall not be disclosed, directly or
1023 indirectly, to any third party not specified in subsection (d) of this
1024 section, except as provided by court order, in the report required
1025 under section 54-76d or 54-91a or as otherwise provided by law.

1026 (c) All records of cases of juvenile matters involving delinquency
1027 proceedings, or any part thereof, shall be confidential and for the use
1028 of the court in juvenile matters and shall not be disclosed except as
1029 provided in this section and section 46b-124a.

1030 (d) Records of cases of juvenile matters involving delinquency
1031 proceedings shall be available to (1) Judicial Branch employees who, in
1032 the performance of their duties, require access to such records, (2)
1033 judges and employees of the Probate Court who, in the performance of
1034 their duties, require access to such records, and (3) employees and
1035 authorized agents of state or federal agencies involved in (A) the
1036 delinquency proceedings, (B) the provision of services directly to the
1037 child, [(C) the design and delivery of treatment programs pursuant to
1038 section 46b-121j, or (D)] or (C) the delivery of court diversionary
1039 programs. Such employees and authorized agents include, but are not
1040 limited to, law enforcement officials, community-based youth service
1041 bureau officials, state and federal prosecutorial officials, school
1042 officials in accordance with section 10-233h, court officials including
1043 officials of both the regular criminal docket and the docket for juvenile
1044 matters and officials of the Division of Criminal Justice, the Division of
1045 Public Defender Services, the Department of Children and Families, if
1046 the child is committed, provided such disclosure shall be limited to (i)
1047 information that identifies the child as the subject of the delinquency
1048 petition, or (ii) the records of the delinquency proceedings, when the
1049 juvenile court orders the department to provide services to said child,
1050 the Court Support Services Division and agencies under contract with
1051 the Judicial Branch. Such records shall also be available to [(i)] (I) the
1052 attorney representing the child, including the Division of Public
1053 Defender Services, in any proceeding in which such records are
1054 relevant, [(ii)] (II) the parents or guardian of the child, until such time
1055 as the subject of the record reaches the age of majority, [(iii)] (III) the
1056 subject of the record, upon submission of satisfactory proof of the
1057 subject's identity, pursuant to guidelines prescribed by the Office of
1058 the Chief Court Administrator, provided the subject has reached the
1059 age of majority, [(iv)] (IV) law enforcement officials and prosecutorial
1060 officials conducting legitimate criminal investigations, [(v)] (V) a state

1061 or federal agency providing services related to the collection of
1062 moneys due or funding to support the service needs of eligible
1063 juveniles, provided such disclosure shall be limited to that information
1064 necessary for the collection of and application for such moneys, and
1065 ~~[(vi)]~~ (VI) members and employees of the Board of Pardons and
1066 Paroles and employees of the Department of Correction who, in the
1067 performance of their duties, require access to such records, provided
1068 the subject of the record has been convicted of a crime in the regular
1069 criminal docket of the Superior Court and such records are relevant to
1070 the performance of a risk and needs assessment of such person while
1071 such person is incarcerated, the determination of such person's
1072 suitability for release from incarceration or for a pardon, or the
1073 determination of the supervision and treatment needs of such person
1074 while on parole or other supervised release. Records disclosed
1075 pursuant to this subsection shall not be further disclosed, except that
1076 information contained in such records may be disclosed in connection
1077 with bail or sentencing reports in open court during criminal
1078 proceedings involving the subject of such information, or as otherwise
1079 provided by law.

1080 (e) Records of cases of juvenile matters involving delinquency
1081 proceedings, or any part thereof, may be disclosed upon order of the
1082 court to any person who has a legitimate interest in the information
1083 and is identified in such order. Records disclosed pursuant to this
1084 subsection shall not be further disclosed, except as specifically
1085 authorized by a subsequent order of the court.

1086 (f) Information concerning a child who is the subject of an order to
1087 take such child into custody or other process that has been entered into
1088 a central computer system pursuant to subsection (i) of section 46b-133
1089 may be disclosed to employees and authorized agents of the Judicial
1090 Branch, law enforcement agencies and the Department of Children and
1091 Families in accordance with policies and procedures established by the
1092 Chief Court Administrator.

1093 (g) Information concerning a child who has escaped from, or failed

1094 to return from an authorized leave to a detention center or [from a
1095 facility to] a secure or staff-secure residential treatment facility in
1096 which the child has been [committed] placed by the court or for whom
1097 an arrest warrant has been issued with respect to the commission of a
1098 felony may be disclosed by law enforcement officials.

1099 (h) Nothing in this section shall be construed to prohibit any person
1100 employed by the Judicial Branch from disclosing any records,
1101 information or files in such employee's possession to any person
1102 employed by the Division of Criminal Justice as a prosecutorial official,
1103 inspector or investigator who, in the performance of his or her duties,
1104 requests such records, information or files, or to prohibit any such
1105 employee of said division from disclosing any records, information or
1106 files in such employee's possession to any such employee of the
1107 Judicial Branch who, in the performance of his or her duties, requests
1108 such records, information or files.

1109 (i) Nothing in this section shall be construed to prohibit a party from
1110 making a timely objection to the admissibility of evidence consisting of
1111 records of cases of juvenile matters, or any part thereof, in any
1112 Superior Court or Probate Court proceeding, or from making a timely
1113 motion to seal any such record pursuant to the rules of the Superior
1114 Court or the rules of procedure adopted under section 45a-78.

1115 (j) A state's attorney shall disclose to the defendant or such
1116 defendant's counsel in a criminal prosecution, without the necessity of
1117 a court order, exculpatory information and material contained in any
1118 record disclosed to such state's attorney pursuant to this section and
1119 may disclose, without a court order, information and material
1120 contained in any such record which could be the subject of a disclosure
1121 order.

1122 (k) (1) Notwithstanding the provisions of subsection (d) of this
1123 section, any information concerning a child that is obtained during any
1124 mental health screening or assessment of such child, during the
1125 provision of services pursuant to subsection (b) of section 46b-149, or
1126 during the performance of an educational evaluation pursuant to

1127 subsection (e) of section 46b-149, shall be used solely for planning and
1128 treatment purposes and shall otherwise be confidential and retained in
1129 the files of the entity providing such services or performing such
1130 screening, assessment or evaluation. Such information may be further
1131 disclosed only for the purposes of any court-ordered evaluation or
1132 treatment of the child or provision of services to the child, or pursuant
1133 to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a.
1134 Such information shall not be subject to subpoena or other court
1135 process for use in any other proceeding or for any other purpose.

1136 (2) Notwithstanding the provisions of subsection (d) of this section,
1137 any information concerning a child that is obtained during any
1138 detention risk screening of such child shall be used solely for
1139 determining the child's risk to public safety as required by subsection
1140 (e) of section 46b-133, as amended by this act. The information
1141 obtained and results of the detention risk screening shall be used for
1142 the purpose of making a recommendation to the court regarding the
1143 detention of the child and shall otherwise be confidential and retained
1144 in the files of the person performing such screening, but shall be
1145 disclosed to any attorney of record upon motion and order of the
1146 court. Any information and results disclosed upon such motion and
1147 order shall be available to any attorney of record for such case. Such
1148 information and results shall otherwise not be subject to subpoena or
1149 other court process for use in any other proceeding or for any other
1150 purpose.

1151 (l) Records of cases of juvenile matters involving delinquency
1152 proceedings, or any part thereof, containing information that a child
1153 has been [convicted] adjudicated as delinquent for a violation of
1154 subdivision (e) of section 1-1h, subsection (c) of section 14-147,
1155 subsection (a) of section 14-215, section 14-222, subsection (b) of section
1156 14-223, subsection (a), (b) or (c) of section 14-224, section 14-227a,
1157 section 14-227g, subsection (d) of section 21a-267, section 21a-279a,
1158 section 30-88a or subsection (b) of section 30-89, shall be disclosed to
1159 the Department of Motor Vehicles for administrative use in
1160 determining whether administrative sanctions regarding such child's

1161 motor vehicle operator's license are warranted. Records disclosed
1162 pursuant to this subsection shall not be further disclosed.

1163 (m) Records of cases of juvenile matters involving adoption
1164 proceedings, or any part thereof, shall be confidential and may only be
1165 disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

1166 (n) Records of cases of juvenile matters involving delinquency
1167 proceedings shall be available to a victim of the delinquent act in
1168 accordance with the provisions of section 46b-124a.

1169 Sec. 23. Section 46b-125 of the general statutes is repealed and the
1170 following is substituted in lieu thereof (*Effective July 1, 2018*):

1171 [(a) All persons employed as full-time juvenile probation officers in
1172 service in this state on January 1, 1941, and appointed without
1173 examination in the first instance juvenile probation officers of this
1174 court, shall retain full rights in any pension system or retirement fund
1175 in which they participated or to which they contributed.

1176 (b) Probation] Juvenile probation officers shall [make such
1177 investigations and] investigate and submit reports [as the court directs
1178 or the law requires] and recommendations to the court, including
1179 predispositional studies in accordance with section 46b-134, as
1180 amended by this act. Juvenile probation officers shall provide
1181 supervision and make referrals to preadjudication and
1182 postadjudication services based on the juvenile's risks and needs, as
1183 determined by the risk and needs assessment. Juvenile probation
1184 officers shall work collaboratively with treatment providers to ensure
1185 programs and services are adequately addressing the needs of
1186 juveniles under supervision. They shall execute the orders of the court;
1187 and, for that purpose, such probation officers, and any other
1188 employees specifically designated by the court to assist the probation
1189 officers in the enforcement of such orders, shall have the authority of a
1190 state marshal. They shall [preserve a record] keep records of all cases
1191 investigated or coming under their care, and shall keep informed
1192 concerning the conduct and condition of each [person] juvenile placed

1193 under supervision and report thereon to the court as [it] the court may
1194 direct. Any juvenile probation officer authorized by the Office of the
1195 Chief Court Administrator [, and any juvenile matters investigator
1196 authorized by the Office of the Chief State's Attorney,] may arrest any
1197 juvenile on probation without a warrant or may deputize any other
1198 officer with power to arrest to do so by giving such officer a written
1199 statement setting forth that the juvenile has, in the judgment of the
1200 juvenile probation officer, [or juvenile matters investigator,] violated
1201 the conditions of the juvenile's probation. When executing such orders
1202 of the court, except when using deadly physical force, juvenile
1203 probation officers and juvenile matters investigators shall be deemed
1204 to be acting in the capacity of a peace officer, as defined in subdivision
1205 (9) of section 53a-3.

1206 Sec. 24. Subsection (a) of section 46b-128 of the general statutes is
1207 repealed and the following is substituted in lieu thereof (*Effective July*
1208 *1, 2018*):

1209 (a) Whenever the Superior Court is in receipt of any written
1210 complaint filed by any person, any public or private agency or any
1211 federal, state, city or town department maintaining that a child's
1212 conduct constitutes delinquency within the meaning of section 46b-
1213 120, as amended by this act, it shall make a preliminary investigation
1214 to determine whether the facts, if true, would be sufficient to be a
1215 juvenile matter and whether the interests of the public or the child
1216 require that further action be taken. If so, the court may authorize the
1217 filing of a verified petition of alleged delinquency or it may make
1218 without such petition whatever nonjudicial disposition is practicable,
1219 including the ordering of such child to do work of which he is capable
1220 in public buildings or on public property, particularly in cases in
1221 which the complaint alleges that the conduct of such child resulted in
1222 the wilful destruction of property, provided the facts establishing
1223 jurisdiction are admitted and that a competent acceptance of such a
1224 disposition has been given by the child and his parent or guardian. If a
1225 nonjudicial disposition is made, the term of any nonjudicial
1226 supervision shall be established by the juvenile probation supervisor

1227 or designee provided such period of supervision shall not exceed one
1228 hundred eighty days. Each verified petition of delinquency filed by the
1229 court shall set forth plainly (1) the facts which bring the child within
1230 the jurisdiction of the court, (2) the name, date of birth, sex and
1231 residence of the child, (3) the names and residence of his parent or
1232 parents, guardian or other person having control of the child, and (4) a
1233 prayer for appropriate action by the court in conformity with the
1234 provisions of this chapter.

1235 Sec. 25. Subsections (d) to (f), inclusive, of section 46b-133 of the
1236 2018 supplement to the general statutes are repealed and the following
1237 is substituted in lieu thereof (*Effective July 1, 2018*):

1238 (d) [(1)] When a child is arrested for the commission of a delinquent
1239 act and the child is not placed in detention or referred to a
1240 diversionary program, an officer shall serve a written complaint and
1241 summons on the child and the child's parent, guardian or some other
1242 suitable person or agency. If such child is released to the child's own
1243 custody, the officer shall make reasonable efforts to notify, and to
1244 provide a copy of a written complaint and summons to, the parent or
1245 guardian or some other suitable person or agency prior to the court
1246 date on the summons. If any person so summoned wilfully fails to
1247 appear in court at the time and place so specified, the court may issue a
1248 warrant for the child's arrest or a *capias* to assure the appearance in
1249 court of such parent, guardian or other person. If a child wilfully fails
1250 to appear in response to such a summons, the court may order such
1251 child taken into custody and such child may be charged with the
1252 delinquent act of wilful failure to appear under section 46b-120, as
1253 amended by this act. The court may punish for contempt, as provided
1254 in section 46b-121, as amended by this act, any parent, guardian or
1255 other person so summoned who wilfully fails to appear in court at the
1256 time and place so specified.

1257 [(2)] Upon the arrest of any youth by an officer for a violation of
1258 section 53a-82, such officer shall report suspected abuse or neglect to
1259 the Department of Children and Families in accordance with the

1260 provisions of sections 17a-101b to 17a-101d, inclusive.]

1261 (e) When a child is arrested for the commission of a delinquent act
1262 and is placed in detention pursuant to subsection (c) of this section,
1263 such child may be detained pending a hearing which shall be held on
1264 the business day next following the child's arrest. No child may be
1265 detained after such hearing unless the court determines, based on the
1266 available facts, that (1) there is probable cause to believe that the child
1267 has committed the acts alleged, (2) there is no less restrictive
1268 alternative available, and (3) through the use of the detention risk
1269 [assessment] screening instrument developed pursuant to section 46b-
1270 133g, as amended by this act, that there is (A) probable cause to believe
1271 that the child will pose a risk to public safety if released to the
1272 community prior to the court hearing or disposition; (B) a need to hold
1273 the child in order to ensure the child's appearance before the court, as
1274 demonstrated by the child's previous failure to respond to the court
1275 process, or (C) a need to hold the child for another jurisdiction. Such
1276 probable cause may be shown by sworn affidavit in lieu of testimony.
1277 No child shall be released from detention who is alleged to have
1278 committed a serious juvenile offense except by order of a judge of the
1279 Superior Court. The court may, in its discretion, consider as an
1280 alternative to detention a suspended detention order with graduated
1281 sanctions to be imposed based on the detention risk [assessment]
1282 screening for such child, using the instrument developed pursuant to
1283 section 46b-133g, as amended by this act. Any child confined in a
1284 community correctional center or lockup shall be held in an area
1285 separate and apart from any adult detainee, except in the case of a
1286 nursing infant, and no child shall at any time be held in solitary
1287 confinement. When a female child is held in custody, she shall, as far
1288 as possible, be in the charge of a woman attendant.

1289 (f) The police officer who brings a child into detention shall have
1290 first notified, or made a reasonable effort to notify, the parents or
1291 guardian of the child in question of the intended action and shall file at
1292 the detention center a signed statement setting forth the alleged
1293 delinquent conduct of the child and the order to detain such child.

1294 Upon admission, the child shall be administered the detention risk
1295 [assessment] screening instrument developed pursuant to section 46b-
1296 133g, as amended by this act, and unless the child was arrested for a
1297 serious juvenile offense or unless an order not to release is noted on
1298 the take into custody order, arrest warrant or order to detain, the child
1299 may be released to the custody of the child's parent or parents,
1300 guardian or some other suitable person or agency in accordance with
1301 policies adopted by the Court Support Services Division of the Judicial
1302 Department pursuant to section 46b-133h.

1303 Sec. 26. Section 46b-133g of the 2018 supplement to the general
1304 statutes is repealed and the following is substituted in lieu thereof
1305 (*Effective July 1, 2018*):

1306 (a) Not later than January 1, 2017, the Court Support Services
1307 Division of the Judicial Department shall develop and implement a
1308 detention risk [assessment] screening instrument to be used to
1309 determine, based on the risk level, whether there is: (1) Probable cause
1310 to believe that a child will pose a risk to public safety if released to the
1311 community prior to the court hearing or disposition, or (2) a need to
1312 hold the child in order to ensure the child's appearance before the
1313 court, as demonstrated by the child's previous failure to respond to the
1314 court process. Such instrument shall be used when assessing whether a
1315 child should be detained pursuant to section 46b-133, as amended by
1316 this act. Any detention risk screening shall be subject to the protections
1317 of subsection (k) of section 46b-124, as amended by this act.

1318 (b) When a child is presented before the court and it appears from
1319 the available facts there is probable cause to believe the child has
1320 violated a valid court order, the court, after administering the
1321 detention risk [assessment] screening instrument, may order the child
1322 to participate in nonresidential programs for intensive wraparound
1323 services, community-based residential services for short-term respite
1324 or other services and interventions the court deems appropriate.

1325 Sec. 27. Section 46b-134 of the general statutes is repealed and the
1326 following is substituted in lieu thereof (*Effective July 1, 2018*):

1327 Prior to the disposition of the case of any child [convicted of a]
1328 adjudicated as delinquent, [act,] investigation shall be made of the
1329 facts as specified in this section by the probation officer, and until such
1330 investigation has been completed and the results thereof placed before
1331 the judge, no disposition of the child's case shall be made. Such
1332 investigation shall consist of an examination of the parentage and
1333 surroundings of the child and the child's age, habits and history, and
1334 shall include also an inquiry into the home conditions, habits and
1335 character of the child's parents or guardians. Such investigation shall
1336 include an inquiry into the circumstances of the offense, the attitude of
1337 the complainant or victim, the criminal record, the present condition of
1338 the child and any damages suffered by the victim including medical
1339 expenses, loss of earnings and property loss. If the child is or legally
1340 should be in attendance at school, such investigation shall further
1341 contain a report of the child's school attendance, adjustment and
1342 behavior, the child's individualized education program if the child has
1343 been identified pursuant to sections 10-76a to 10-76gg, inclusive, as
1344 requiring special education and related services and any
1345 recommendations from school officials on conditions of probation if
1346 the child is placed on probation pursuant to section 46b-140, as
1347 amended by this act, which shall be furnished by the school officials to
1348 the court upon its request. The court shall, when it is found necessary
1349 to the disposition, cause a complete physical or mental examination, or
1350 both, to be made of the child by persons professionally qualified to do
1351 so. Such examination may include testing to determine whether the
1352 child is alcohol-dependent or drug-dependent as defined in section
1353 46b-120, as amended by this act. If the court causes a complete physical
1354 or mental examination, or both, to be made of a child whose parents,
1355 guardian or custodian is found able to pay in whole or in part the cost
1356 thereof, it shall assess as costs against such parents, guardian or
1357 custodian, including any agency vested with the legal custody of the
1358 child, the expense so incurred and paid for by the court in having such
1359 examination performed, to the extent of their financial ability to do so.
1360 Prior to the disposition of the case of any child [convicted of a]
1361 adjudicated as delinquent, [act,] the court may cause a complete

1362 diagnostic examination to be made, unless such information is
1363 otherwise available. Such information shall include physical and
1364 psychological diagnoses and may include medical, psychiatric,
1365 neurological, learning disability diagnoses and such other diagnoses as
1366 the court deems necessary. [If such child is committed to the
1367 Department of Children and Families, such information shall be
1368 shared with the Department of Children and Families.]

1369 Sec. 28. Section 46b-140 of the general statutes is repealed and the
1370 following is substituted in lieu thereof (*Effective July 1, 2018*):

1371 (a) In determining the appropriate disposition of a child [convicted]
1372 adjudicated as delinquent, the court shall consider: (1) The child's age
1373 and intellectual, cognitive and emotional development; (2) the
1374 seriousness of the offense, including [the existence of] any aggravating
1375 [factors such as the use of a firearm in the commission of the offense
1376 and] or mitigating factors; (3) the impact of the offense on any victim;
1377 [(2)] (4) the child's record of delinquency; [(3)] (5) the child's
1378 willingness to participate in available programs; [(4) the existence of
1379 other mitigating factors; and (5) the culpability of the child in
1380 committing the offense including the level of the child's participation
1381 in the planning and carrying out of the offense] (6) the child's prior
1382 involvement with the Department of Children and Families as a
1383 committed delinquent; (7) the child's prior involvement with juvenile
1384 probation; (8) the child's history of participation in and engagement
1385 with programming and service interventions; (9) the identified
1386 services, programs and interventions that will best address the child's
1387 needs and risk of reoffending, as indicated by the risk and needs
1388 assessment administered by the Court Support Services Division and
1389 any other relevant evidence; and (10) the level of supervision indicated
1390 by the risk and needs assessment administered by the Court Support
1391 Services Division and any other relevant evidence.

1392 (b) Upon [conviction] adjudication of a child as delinquent, the
1393 court: (1) May (A) [order the child to participate in an alternative
1394 incarceration program; (B) order the child to participate in a program

1395 at a wilderness school facility operated by the Department of Children
1396 and Families; (C) order the child to participate in a youth service
1397 bureau program; (D) place the child on probation; (E) order the child
1398 or the parents or guardian of the child, or both, to make restitution to
1399 the victim of the offense in accordance with subsection (d) of this
1400 section; (F) order the child to participate in a program of community
1401 service in accordance with subsection (e) of this section; or (G)
1402 withhold or suspend execution of any judgment; and (2) shall impose
1403 the penalty established in subsection (b) of section 30-89 for any
1404 violation of said subsection (b)] discharge the child from the court's
1405 jurisdiction with or without a warning; (B) place the child on probation
1406 supervision for a period not to exceed eighteen months, which may be
1407 extended in accordance with section 46b-140a, as amended by this act,
1408 by not more than twelve months, for a total supervision period not to
1409 exceed thirty months; or (C) place the child on probation supervision
1410 with residential placement, for a period not to exceed eighteen months,
1411 which may be extended in accordance with section 46b-140a, as
1412 amended by this act, by not more than twelve months, for a total
1413 supervision period not to exceed thirty months.

1414 (c) [The court may order, as a condition of probation, that the child
1415 (1) reside with a parent, relative or guardian or in a suitable foster
1416 home or other residence approved by the court, (2) attend school and
1417 class on a regular basis and comply with school policies on student
1418 conduct and discipline, (3) refrain from violating any federal or state
1419 law or municipal or local ordinance, (4) undergo any medical or
1420 psychiatric evaluation or treatment deemed necessary by the court, (5)
1421 submit to random drug or alcohol testing, or both, (6) participate in a
1422 program of alcohol or drug treatment, or both, (7) make restitution to
1423 the victim of the offense in accordance with subsection (d) of this
1424 section, (8) participate in an alternative incarceration program or other
1425 program established through the Court Support Services Division, (9)
1426 participate in a program of community service, and (10) satisfy any
1427 other conditions deemed appropriate by the court] As a condition of
1428 probation supervision or probation supervision with residential
1429 placement, the court may order that the child: (1) Participate in a youth

1430 service bureau program; (2) reside with a parent, relative or guardian
1431 or in a suitable residence approved by the court; (3) attend school and
1432 class on a regular basis and comply with school policies on student
1433 conduct and discipline; (4) refrain from violating any federal or state
1434 law or municipal or local ordinance; (5) undergo any medical or
1435 psychiatric evaluation or treatment deemed necessary by the court; (6)
1436 submit to random drug or alcohol testing, or both; (7) participate in a
1437 program of alcohol or drug treatment, or both; (8) participate in a
1438 program of community service; (9) obtain technical or vocational
1439 training, or both; (10) make a good faith effort to obtain and maintain
1440 employment; (11) be placed in an appropriate residential facility in
1441 accordance with subsection (f) of this section; and (12) satisfy any other
1442 conditions deemed appropriate by the court. The court may also order
1443 as a condition of probation supervision or probation supervision with
1444 residential placement that the child or the parents or guardian of the
1445 child, or both, make restitution to the victim of the offense in
1446 accordance with subsection (d) of this section. The court shall cause a
1447 copy of any such order to be delivered to the child, the child's parents
1448 or guardian and the child's probation officer. If the child is [convicted]
1449 adjudicated as delinquent for a violation of section 53-247, the court
1450 may order, as a condition of probation supervision or probation
1451 supervision with residential placement, that the child undergo
1452 psychiatric or psychological counseling or participate in an animal
1453 cruelty prevention and education program provided such a program
1454 exists and is available to the child.

1455 (d) If the child has engaged in conduct which results in property
1456 damage or personal injury, the court may order the child or the parent
1457 or parents or guardian of the child, if such parent or parents or
1458 guardian had knowledge of and condoned the conduct of the child, or
1459 both the child and the parent or parents or guardian, to make
1460 restitution to the victim of such offense, provided the liability of such
1461 parent or parents or guardian shall be limited to an amount not
1462 exceeding the amount such parent or parents or guardian would be
1463 liable for in an action under section 52-572. Restitution may consist of
1464 monetary reimbursement for the damage or injury, based on the

1465 child's or the parent's, parents' or guardian's ability to pay, as the case
1466 may be, in the form of a lump sum or installment payments, paid to
1467 the court clerk or such other official designated by the court for
1468 distribution to the victim.

1469 (e) The court may order the child to participate in a program of
1470 community service under the supervision of the court or any
1471 organization designated by the court. Such child shall not be deemed
1472 to be an employee and the services of such child shall not be deemed
1473 employment.

1474 [(f) If the court further finds that its probation services or other
1475 services available to the court are not adequate for such child, the court
1476 shall commit such child to the Department of Children and Families in
1477 accordance with the provisions of section 46b-141.

1478 (g) Any child or youth coming within the jurisdiction of the court,
1479 who is found to be mentally ill, may be committed by said court to the
1480 Commissioner of Children and Families and, if the court convicts a
1481 child as delinquent and finds such child to be mentally deficient, the
1482 court may commit such child to an institution for mentally deficient
1483 children or youth or delinquents. No such commitment may be
1484 ordered or continued for any child who has attained the age of twenty.
1485 Whenever it is found that a child convicted as delinquent or adjudged
1486 to be a member of a family with service needs would benefit from a
1487 work-study program or employment with or without continued school
1488 attendance, the court may, as a condition of probation or supervision,
1489 authorize such child to be employed for part or full-time at some
1490 useful occupation that would be favorable to such child's welfare, and
1491 the probation officer shall supervise such employment. For the
1492 purposes of this section, the limitations of subsection (a) of section 31-
1493 23 on the employment of minors under the age of sixteen years shall
1494 not apply for the duration of such probation or supervision.

1495 (h) Whenever the court commits a child to the Department of
1496 Children and Families, there shall be delivered with the mittimus a
1497 copy of the results of the investigations made as required by section

1498 46b-134. The court may, at any time, require from the department in
1499 whose care a child has been placed such report as to such child and
1500 such child's treatment.

1501 (i) If the delinquent act for which the child is committed to the
1502 Department of Children and Families is a serious juvenile offense, the
1503 court may set a minimum period of twelve months during which the
1504 child shall be placed in a residential facility operated by or under
1505 contract with said department, as determined by the Commissioner of
1506 Children and Families. No such commitment may be ordered or
1507 continued for any child who has attained the age of twenty. The setting
1508 of such minimum period shall be in the form of an order of the court
1509 included in the mittimus. For good cause shown in the form of an
1510 affidavit annexed thereto, the Department of Children and Families,
1511 the parent or guardian of the child or the child may petition the court
1512 for modification of any such order.

1513 (j) Except as otherwise provided in this section, the court may order
1514 that a child be (1) committed to the Department of Children and
1515 Families and, after consultation with said department, the court may
1516 order that the child be placed directly in a residential facility within
1517 this state and under contract with said department, or (2) committed to
1518 the Commissioner of Children and Families for placement by the
1519 commissioner, in said commissioner's discretion, (A) with respect to
1520 the juvenile offenders determined by the Department of Children and
1521 Families to be the highest risk, in the Connecticut Juvenile Training
1522 School, if the juvenile offender is a male, or in another state facility,
1523 presumptively for a minimum period of twelve months, or (B) in a
1524 private residential or day treatment facility within or outside this state,
1525 or (C) on parole. No such commitment may be ordered or continued
1526 for any child who has attained the age of twenty. The commissioner
1527 shall use a risk and needs assessment classification system to ensure
1528 that children who are in the highest risk level will be placed in an
1529 appropriate secure treatment setting.

1530 (k) On or after May 21, 2004, no female child committed to the

1531 Department of Children and Families shall be placed in the
1532 Connecticut Juvenile Training School. Any female child placed in the
1533 Connecticut Juvenile Training School before May 21, 2004, shall be
1534 transferred to another appropriate facility not later than ninety days
1535 after May 21, 2004.

1536 (l) Notwithstanding any provisions of the general statutes
1537 concerning the confidentiality of records and information, whenever a
1538 child convicted as delinquent is committed to the Department of
1539 Children and Families, the Commissioner of Children and Families
1540 shall have access to the following information: (1) Educational records
1541 of such child; (2) records regarding such child's past treatment for
1542 physical or mental illness, including substance abuse; (3) records
1543 regarding such child's prior placement in a public or private
1544 residential facility; (4) records created or obtained by the Judicial
1545 Department regarding such child; and (5) records, as defined in
1546 subsection (a) of section 17a-28. The Commissioner of Children and
1547 Families shall review such information to determine the appropriate
1548 services and placement which will be in the best interest of the child.]

1549 (f) At any time during a period of probation supervision or
1550 probation supervision with residential placement, the court may
1551 authorize the child's probation officer to convene a case review team
1552 meeting with the child and the child's attorney on any case that is
1553 being considered for residential placement or that is complex and
1554 could benefit from a multi-systemic approach. The juvenile probation
1555 supervisor and juvenile probation officer shall facilitate the meeting,
1556 which may also include the following participants: (1) The child's
1557 family; (2) the state's attorney; (3) school officials; (4) treatment
1558 providers; and (5) representatives from other state agencies, as deemed
1559 appropriate. Any recommendations to modify conditions of probation
1560 supervision, including residential placement, shall be presented to the
1561 court for consideration and approval.

1562 (g) An adjudicated child shall not be placed on probation
1563 supervision with residential placement in a secure or staff-secure

1564 facility unless a current predispositional study has been completed and
1565 reviewed by the court and: (1) Such placement is indicated by the
1566 child's clinical and behavioral needs; or (2) the level of risk the child
1567 poses to public safety cannot be managed in a less restrictive setting.
1568 The court shall consider all relevant reports, evaluations and studies
1569 proffered or admitted as evidence. The child's length of stay in a
1570 residential facility shall be dependent on the child's treatment progress
1571 and attainment of treatment goals.

1572 Sec. 29. Section 46b-140a of the general statutes is repealed and the
1573 following is substituted in lieu thereof (*Effective July 1, 2018*):

1574 (a) At any time during the period of probation [or suspended
1575 commitment] supervision or probation supervision with residential
1576 placement, after hearing and for good cause shown, the court may
1577 modify or enlarge the conditions, whether originally imposed by the
1578 court under this section or otherwise, and may extend the period of
1579 probation supervision or probation supervision with residential
1580 placement by not more than twelve months, for a total maximum
1581 supervision period not to exceed thirty months, as deemed appropriate
1582 by the court. The court shall cause a copy of any such order to be
1583 delivered to the child [or youth] and to such child's [or youth's] parent
1584 or guardian and probation officer.

1585 [(b) The period of participation in an alternative incarceration
1586 program, as a condition of probation or suspended commitment,
1587 unless terminated sooner, shall not exceed the original period of
1588 probation or suspended commitment.]

1589 (b) During any period of probation supervision or probation
1590 supervision with residential placement the court may convene a
1591 probation status review hearing. A probation officer may file an ex
1592 parte request for a probation status review hearing with the clerk of
1593 the court, regardless of whether a new offense or violation has been
1594 filed. If the court finds that the ex parte request is in the child's or the
1595 public's best interest, the court may grant the ex-parte request and
1596 convene a probation status review hearing within seven days. The

1597 probation officer shall inform the child and parent or legal guardian of
1598 the scheduled court date and time. The child shall be represented by
1599 counsel at the hearing. If the child or the child's parents or guardian do
1600 not appear at the hearing, absent actual or in-hand service of the
1601 notice, the failure to appear at the hearing shall not be deemed wilful.
1602 The court may continue the hearing to a future date and order that the
1603 child and the child's parents or guardian be served with notice to
1604 appear in court in the manner prescribed by section 46b-128, as
1605 amended by this act. By agreement of the parties or at the conclusion
1606 of an evidentiary hearing, the court may modify or enlarge the
1607 conditions of probation, and if appropriate, the court may order that
1608 the child be placed in a secure or staff-secure residential facility,
1609 provided no child shall be ordered to be placed in a secure or staff-
1610 secure residential facility unless such placement is indicated by the
1611 child's clinical and behavioral needs or the level of risk the child poses
1612 to public safety cannot be managed in a less restrictive setting.

1613 (c) At any time during the period of probation [or suspended
1614 commitment] supervision or probation supervision with residential
1615 placement, the court may issue a warrant for the arrest of a child [or
1616 youth] for violation of any of the conditions of probation [or
1617 suspended commitment] supervision or probation supervision with
1618 residential placement, or may issue a notice to appear to answer to a
1619 charge of such violation, which notice shall be personally served upon
1620 the child. [or youth.] Any such warrant shall authorize all officers
1621 named therein to return the child [or youth] to the custody of the court
1622 or to any suitable juvenile detention facility designated by the court in
1623 accordance with subsection (e) of section 46b-133, as amended by this
1624 act.

1625 (d) If [such] a violation of probation supervision or probation
1626 supervision with residential placement is established, the court may
1627 continue or revoke the order of probation [or suspended commitment]
1628 supervision or probation supervision with residential placement or
1629 modify or enlarge the conditions [and, if such order of probation or
1630 suspended commitment is revoked, require the child or youth to serve

1631 the commitment imposed or impose any lesser commitment. No such
1632 revocation shall be ordered, except upon consideration of the whole
1633 record and unless such violation is established by reliable and
1634 probative evidence] of probation supervision or probation supervision
1635 with residential placement in accordance with section 46b-140, as
1636 amended by this act.

1637 [(e) Upon a determination by the court that a child or youth has
1638 violated probation by failing to comply with the requirements of
1639 electronic monitoring, the Court Support Services Division shall notify
1640 the local law enforcement agency of such violation.]

1641 Sec. 30. Section 46b-141d of the general statutes is repealed and the
1642 following is substituted in lieu thereof (*Effective July 1, 2018*):

1643 Any child who is arrested and held in a detention center, an
1644 alternative detention center or a police station or courthouse lockup
1645 prior to the disposition of a juvenile matter shall, if subsequently
1646 [convicted] adjudicated as delinquent by the Superior Court and
1647 sentenced to a period of probation supervision or probation
1648 supervision with residential placement, earn a reduction of such
1649 child's period of probation supervision or probation supervision with
1650 residential placement, including any extensions thereof, equal to the
1651 number of days that such child spent in such detention center or
1652 lockup.

1653 Sec. 31. Subsection (d) of section 4b-3 of the general statutes is
1654 repealed and the following is substituted in lieu thereof (*Effective July*
1655 *1, 2018*):

1656 (d) Notwithstanding any other statute or special act to the contrary,
1657 the Commissioner of Administrative Services shall be the sole person
1658 authorized to represent the state in its dealings with third parties for
1659 the construction, development, acquisition or leasing of real estate for
1660 housing the offices or equipment of all agencies of the state or for the
1661 state-owned public buildings or realty, as provided for in sections 2-90,
1662 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-

1663 32, subsection (c) of section 4b-66 and sections 4b-67 to 4b-69, inclusive,
1664 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144,
1665 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-
1666 27f, except that (1) the Joint Committee on Legislative Management
1667 may represent the state in the planning and construction of the
1668 Legislative Office Building and related facilities, in Hartford; (2) the
1669 Chief Court Administrator may represent the state in providing for (A)
1670 space for the Court Support Services Division as part of a new or
1671 existing contract for an alternative incarceration program pursuant to
1672 section 54-103b or a program developed pursuant to section [46b-121i,
1673 46b-121j,] 46b-121k, as amended by this act, [or 46b-121l,] or (B) other
1674 real estate needs of the Judicial Branch when delegated authority to do
1675 so by the Commissioner of Administrative Services; (3) the board of
1676 trustees of a constituent unit of the state system of higher education
1677 may represent the state in the leasing of real estate for housing the
1678 offices or equipment of such constituent unit, provided no lease
1679 payments for such realty are made with funds generated from the
1680 general revenues of the state; (4) the Labor Commissioner may
1681 represent the state in the leasing of premises required for employment
1682 security operations as provided in subsection (c) of section 31-250; (5)
1683 the Commissioner of Developmental Services may represent the state
1684 in the leasing of residential property as part of the program developed
1685 pursuant to subsection (b) of section 17a-218, provided such residential
1686 property does not exceed two thousand five hundred square feet, for
1687 the community placement of persons eligible to receive residential
1688 services from the department; (6) the Commissioner of Mental Health
1689 and Addiction Services may represent the state in the leasing of
1690 residential units as part of a program developed pursuant to section
1691 17a-455a, provided each such residential unit does not exceed two
1692 thousand five hundred square feet; and (7) the Connecticut Marketing
1693 Authority may represent the state in the leasing of land or markets
1694 under the control of the Connecticut Marketing Authority, and, except
1695 for the housing of offices or equipment in connection with the initial
1696 acquisition of an existing state mass transit system or the leasing of
1697 land by the Connecticut Marketing Authority for a term of one year or

1698 more in which cases the actions of the Department of Transportation
1699 and the Connecticut Marketing Authority shall be subject to the review
1700 and approval of the State Properties Review Board. The Commissioner
1701 of Administrative Services may establish and implement any
1702 procedures necessary for the commissioner to assume the
1703 commissioner's responsibilities as said sole bargaining agent for state
1704 realty acquisitions and shall perform the duties necessary to carry out
1705 such procedures. The Commissioner of Administrative Services may
1706 appoint, within the department's budget and subject to the provisions
1707 of chapter 67, such personnel deemed necessary by the commissioner
1708 to carry out the provisions of this section, including experts in real
1709 estate, construction operations, financing, banking, contracting,
1710 architecture and engineering. The Attorney General's office, at the
1711 request of the Commissioner of Administrative Services, shall assist
1712 the commissioner in contract negotiations regarding the purchase,
1713 lease or construction of real estate.

1714 Sec. 32. Section 46b-145 of the general statutes is repealed and the
1715 following is substituted in lieu thereof (*Effective July 1, 2018*):

1716 No child shall be prosecuted for an offense before the regular
1717 criminal docket of the Superior Court except as provided in section
1718 46b-127, [and subsection (f) of section 46b-133c.]

1719 Sec. 33. Section 17a-7 of the general statutes is repealed and the
1720 following is substituted in lieu thereof (*Effective July 1, 2018*):

1721 Except as otherwise limited by subsection (i) of section 46b-140, [and
1722 subsection (a) of section 46b-141,] the Commissioner of Children and
1723 Families or the commissioner's designee may, when deemed in the
1724 best interests of a child committed to the custody of the commissioner
1725 as delinquent by the Superior Court, place such child on parole under
1726 such terms or conditions as the commissioner or the commissioner's
1727 designee deem to be in the best interests of such child. When in the
1728 opinion of the commissioner or the commissioner's designee it is no
1729 longer in the best interest of such child to remain on parole or when
1730 the child has violated a condition of aftercare, such child may be

1731 returned to any institution, resource or facility administered by or
1732 available to the Department of Children and Families, provided the
1733 child shall have a right to a hearing, not more than thirty days after the
1734 child's return to placement, pursuant to procedures adopted by the
1735 commissioner in accordance with sections 4-176e to 4-181a, inclusive.

1736 Sec. 34. Subsection (d) of section 17a-10 of the general statutes is
1737 repealed and the following is substituted in lieu thereof (*Effective July*
1738 *1, 2018*):

1739 (d) If the Superior Court requests a report on any committed child,
1740 the commissioner shall be responsible for preparing and transmitting
1741 such report to the requesting court. Not more than sixty days nor less
1742 than thirty days prior to the expiration of the original commitment of
1743 any child to the department. [the commissioner may file a motion for
1744 an extension of commitment pursuant to the provisions of section 46b-
1745 141.] If the commissioner, or the board of review pursuant to the
1746 provisions of section 17a-15, at any time during the commitment of any
1747 child, determines that termination of commitment of a child is in the
1748 best interest of such child, the commissioner or the board may
1749 terminate the commitment and such termination shall be effective
1750 without further action by the court.

1751 Sec. 35. Subsection (g) of section 17a-28 of the 2018 supplement to
1752 the general statutes is repealed and the following is substituted in lieu
1753 thereof (*Effective July 1, 2018*):

1754 (g) The department shall disclose records, subject to subsections (b)
1755 and (c) of this section, without the consent of the person who is the
1756 subject of the record, to:

1757 (1) The person named in the record or such person's authorized
1758 representative, provided such disclosure shall be limited to
1759 information (A) contained in the record about such person or about
1760 such person's biological or adoptive minor child, if such person's
1761 parental rights to such child have not been terminated; and (B)
1762 identifying an individual who reported abuse or neglect of the person,

1763 including any tape recording of an oral report pursuant to section 17a-
1764 103, if a court determines that there is reasonable cause to believe the
1765 reporter knowingly made a false report or that the interests of justice
1766 require disclosure;

1767 (2) An employee of the department for any purpose reasonably
1768 related to the performance of such employee's duties;

1769 (3) A guardian ad litem or attorney appointed to represent a child or
1770 youth in litigation affecting the best interests of the child or youth;

1771 (4) An attorney representing a parent, guardian or child in a petition
1772 filed in the Superior Court pursuant to section 17a-112 or 46b-129,
1773 provided (A) if such records do not pertain to such attorney's client or
1774 such client's child, such records shall not be further disclosed to
1775 another individual or entity by such attorney except pursuant to the
1776 order of a court of competent jurisdiction, (B) if such records are
1777 confidential pursuant to federal law, such records shall not be
1778 disclosed to such attorney or such attorney's client unless such
1779 attorney or such attorney's client is otherwise entitled to such records,
1780 and (C) nothing in this subdivision shall limit the disclosure of records
1781 under subdivision (3) of this subsection;

1782 (5) The Attorney General, any assistant attorney general or any
1783 other legal counsel retained to represent the department during the
1784 course of a legal proceeding involving the department or an employee
1785 of the department;

1786 (6) The Child Advocate or the Child Advocate's designee;

1787 (7) The Chief Public Defender or the Chief Public Defender's
1788 designee for purposes of ensuring competent representation by the
1789 attorneys with whom the Chief Public Defender contracts to provide
1790 legal and guardian ad litem services to the subjects of such records and
1791 for ensuring accurate payments for services rendered by such
1792 attorneys;

1793 (8) The Chief State's Attorney or the Chief State's Attorney's

1794 designee for purposes of investigating or prosecuting (A) an allegation
1795 related to child abuse or neglect, (B) an allegation that an individual
1796 made a false report of suspected child abuse or neglect, or (C) an
1797 allegation that a mandated reporter failed to report suspected child
1798 abuse or neglect in accordance with section 17a-101a, provided such
1799 prosecuting authority shall have access to records of a child charged
1800 with the commission of a delinquent act, who is not being charged
1801 with an offense related to child abuse, only while the case is being
1802 prosecuted and after obtaining a release;

1803 (9) A state or federal law enforcement officer, including a military
1804 law enforcement authority under the United States Department of
1805 Defense, for purposes of investigating (A) an allegation related to child
1806 abuse or neglect, (B) an allegation that an individual made a false
1807 report of suspected child abuse or neglect, or (C) an allegation that a
1808 mandated reporter failed to report suspected child abuse or neglect in
1809 accordance with section 17a-101a;

1810 (10) A foster or prospective adoptive parent, if the records pertain to
1811 a child or youth currently placed with the foster or prospective
1812 adoptive parent, or a child or youth being considered for placement
1813 with the foster or prospective adoptive parent, and the records are
1814 necessary to address the social, medical, psychological or educational
1815 needs of the child or youth, provided no information identifying a
1816 biological parent is disclosed without the permission of such biological
1817 parent;

1818 (11) The Governor, when requested in writing in the course of the
1819 Governor's official functions, the joint standing committee of the
1820 General Assembly having cognizance of matters relating to human
1821 services, the joint standing committee of the General Assembly having
1822 cognizance of matters relating to the judiciary or the joint standing
1823 committee of the General Assembly having cognizance of matters
1824 relating to children, when requested in writing by any of such
1825 committees in the course of such committee's official functions, and
1826 upon a majority vote of such committee, provided no name or other

1827 identifying information is disclosed unless such information is
1828 essential to the gubernatorial or legislative purpose;

1829 (12) The Office of Early Childhood for the purpose of (A)
1830 determining the suitability of a person to care for children in a facility
1831 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining
1832 the suitability of such person for licensure; (C) an investigation
1833 conducted pursuant to section 19a-80f; (D) notifying the office when
1834 the Department of Children and Families places an individual licensed
1835 or certified by the office on the child abuse and neglect registry
1836 pursuant to section 17a-101k; or (E) notifying the office when the
1837 Department of Children and Families possesses information regarding
1838 an office regulatory violation committed by an individual licensed or
1839 certified by the office;

1840 (13) The Department of Developmental Services, to allow said
1841 department to determine eligibility, facilitate enrollment and plan for
1842 the provision of services to a child who is a client of said department
1843 and who is applying to enroll in or is enrolled in said department's
1844 behavioral services program. At the time that a parent or guardian
1845 completes an application for enrollment of a child in the Department of
1846 Developmental Services' behavioral services program, or at the time
1847 that said department updates a child's annual individualized plan of
1848 care, said department shall notify such parent or guardian that the
1849 Department of Children and Families may provide records to the
1850 Department of Developmental Services for the purposes specified in
1851 this subdivision without the consent of such parent or guardian;

1852 (14) Any individual or entity for the purposes of identifying
1853 resources that will promote the permanency plan of a child or youth
1854 approved by the court pursuant to sections 17a-11, as amended by this
1855 act, 17a-111b [.] and 46b-129; [and 46b-141;]

1856 (15) A state agency that licenses or certifies a person to educate, care
1857 for or provide services to children or youths;

1858 (16) A judge or employee of a Probate Court who requires access to

1859 such records in order to perform such judge's or employee's official
1860 duties;

1861 (17) A judge of the Superior Court for purposes of determining the
1862 appropriate disposition of a child [convicted] adjudicated as
1863 delinquent or a child who is a member of a family with service needs;

1864 (18) A judge of the Superior Court in a criminal prosecution for
1865 purposes of in camera inspection whenever (A) the court has ordered
1866 that the record be provided to the court; or (B) a party to the
1867 proceeding has issued a subpoena for the record;

1868 (19) A judge of the Superior Court and all necessary parties in a
1869 family violence proceeding when such records concern family violence
1870 with respect to the child who is the subject of the proceeding or the
1871 parent of such child who is the subject of the proceeding;

1872 (20) The Auditors of Public Accounts, or their representative,
1873 provided no information identifying the subject of the record is
1874 disclosed unless such information is essential to an audit conducted
1875 pursuant to section 2-90;

1876 (21) A local or regional board of education, provided the records are
1877 limited to educational records created or obtained by the state or
1878 Connecticut Unified School District #2, established pursuant to section
1879 17a-37;

1880 (22) The superintendent of schools for any school district for the
1881 purpose of determining the suitability of a person to be employed by
1882 the local or regional board of education for such school district
1883 pursuant to subsection (a) of section 10-221d;

1884 (23) The Department of Motor Vehicles for the purpose of criminal
1885 history records checks pursuant to subsection (e) of section 14-44,
1886 provided information disclosed pursuant to this subdivision shall be
1887 limited to information included on the Department of Children and
1888 Families child abuse and neglect registry established pursuant to
1889 section 17a-101k, subject to the provisions of sections 17a-101g and

1890 17a-101k concerning the nondisclosure of findings of responsibility for
1891 abuse and neglect;

1892 (24) The Department of Mental Health and Addiction Services for
1893 the purpose of treatment planning for young adults who have
1894 transitioned from the care of the Department of Children and Families;

1895 (25) The superintendent of a public school district or the executive
1896 director or other head of a public or private institution for children
1897 providing care for children or a private school (A) pursuant to sections
1898 17a-11, as amended by this act, 17a-101b, 17a-101c, 17a-101i, 17a-111b
1899 and [.] 46b-129, [and 46b-141,] or (B) when the Department of Children
1900 and Families places an individual employed by such institution or
1901 school on the child abuse and neglect registry pursuant to section 17a-
1902 101k;

1903 (26) The Department of Social Services for the purpose of (A)
1904 determining the suitability of a person for payment from the
1905 Department of Social Services for providing child care; (B) promoting
1906 the health, safety and welfare of a child or youth receiving services
1907 from either department; or (C) investigating allegations of fraud
1908 provided no information identifying the subject of the record is
1909 disclosed unless such information is essential to any such
1910 investigation;

1911 (27) The Court Support Services Division of the Judicial Branch, to
1912 allow the division to determine the supervision and treatment needs of
1913 a child or youth, and provide appropriate supervision and treatment
1914 services to such child or youth, provided such disclosure shall be
1915 limited to information that identifies the child or youth, or a member
1916 of such child's or youth's immediate family, as being or having been
1917 (A) committed to the custody of the Commissioner of Children and
1918 Families as delinquent, (B) under the supervision of the Commissioner
1919 of Children and Families, or (C) enrolled in the voluntary services
1920 program operated by the Department of Children and Families;

1921 (28) The Court Support Services Division of the Judicial Branch for

1922 the purpose of sharing common case records to track recidivism of
1923 juvenile offenders;

1924 (29) The birth-to-three program's referral intake office for the
1925 purpose of (A) determining eligibility of, (B) facilitating enrollment for,
1926 and (C) providing services to (i) substantiated victims of child abuse
1927 and neglect with suspected developmental delays, and (ii) newborns
1928 impacted by withdrawal symptoms resulting from prenatal drug
1929 exposure; and

1930 (30) The Department of Public Health for the purpose of notification
1931 when the Commissioner of Children and Families places an individual
1932 licensed or certified by the Department of Public Health on the child
1933 abuse and neglect registry established pursuant to section 17a-101k.

1934 Sec. 36. Subsection (e) of section 52-261a of the general statutes is
1935 repealed and the following is substituted in lieu thereof (*Effective July*
1936 *1, 2018*):

1937 (e) The following fees shall be allowed and paid, except to state
1938 employees in the classified service: (1) For each arrest in criminal cases,
1939 one dollar and fifty cents; (2) for any necessary assistants in making
1940 criminal arrests, a reasonable sum, the necessity of such assistance to
1941 be proved by the oath of the officer; (3) for travel with a prisoner to
1942 court or to a community correctional center, forty cents a mile,
1943 provided (A) if more than one prisoner is transported at the same time,
1944 the total cost of travel shall be forty cents per mile for each prisoner
1945 transported up to a maximum of two dollars per mile, regardless of the
1946 number of prisoners transported, and (B) if a prisoner is transported
1947 for commitment on more than one mittimus, the total cost of travel
1948 shall be the same as for the transportation of one prisoner committed
1949 on one mittimus only; (4) for holding a prisoner in custody upon
1950 criminal process for each twelve hours or fraction thereof, to be taxed
1951 as expenses in the case, one dollar; (5) for holding a prisoner in custody
1952 by order of court, one dollar a day; (6) for keepers, for every twelve
1953 hours, in lieu of all other expenses, except in special cases to be
1954 approved by the court, five dollars; (7) for executing a mittimus of

1955 commitment to the Connecticut Correctional Institution, Somers, for
1956 each prisoner, one dollar and fifty cents; (8) for transporting any
1957 prisoner from a community correctional center to the Connecticut
1958 Correctional Institution, Somers, or for transporting any person under
1959 commitment from a community correctional center to the John R.
1960 Manson Youth Institution, Cheshire, twenty-five cents a mile, to be
1961 taxed as expenses, provided, if more than one prisoner or person is
1962 transported, the total cost of travel shall be twenty-five cents per mile
1963 for each prisoner or person transported up to a maximum of one dollar
1964 per mile, regardless of the number of prisoners or persons transported;
1965 (9) for taking samples to a state chemist by order of court, two dollars,
1966 and for each mile of travel in going and returning, ten cents; and (10)
1967 [for service of a mittimus to commit to the Connecticut Juvenile
1968 Training School, necessary expenses and a reasonable compensation;
1969 and (11)] for producing any prisoner, held by criminal process, in court
1970 or before a judge under habeas corpus proceedings, twenty-five cents a
1971 mile travel and two dollars and fifty cents a day for attendance, to be
1972 taxed and allowed by the court or judge.

1973 Sec. 37. Section 53a-171 of the general statutes is repealed and the
1974 following is substituted in lieu thereof (*Effective July 1, 2018*):

1975 (a) A person is guilty of escape from custody if such person (1)
1976 escapes from custody, or (2) has been [convicted] adjudicated as
1977 delinquent, [has been committed to the Department of Children and
1978 Families, and (A) fails to return from a leave authorized under section
1979 17a-8a, or (B)] and escapes from or fails to return from an authorized
1980 leave to a state or private facility or institution in which such person
1981 has been [assigned or] placed by the [Commissioner of Children and
1982 Families] court.

1983 (b) If a person has been arrested for, charged with or convicted of a
1984 felony, escape from such custody is a class C felony, otherwise, escape
1985 from custody is a class A misdemeanor.

1986 Sec. 38. Sections 7-63, 17a-3a, 17a-6b, 17a-6c, 17a-7, 17a-7a, 17a-8,
1987 17a-8a, 17a-10, 17a-13, 17a-27b, 17a-27d, 17a-64, 17a-201b, 46b-121i,

1988 46b-121j, 46b-121l, 46b-126, 46b-133c, 46b-133d, 46b-141, 46b-141a, 46b-
 1989 141b and 46b-147a of the general statutes are repealed. (*Effective July 1,*
 1990 *2018*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2018</i>	New section
Sec. 2	<i>July 1, 2018</i>	New section
Sec. 3	<i>July 1, 2018</i>	4b-55
Sec. 4	<i>July 1, 2018</i>	4b-58(a)
Sec. 5	<i>July 1, 2018</i>	10-233d(l)
Sec. 6	<i>July 1, 2018</i>	10-233k(b)
Sec. 7	<i>July 1, 2018</i>	12-19a(a)
Sec. 8	<i>July 1, 2018</i>	17a-1(6)
Sec. 9	<i>July 1, 2018</i>	17a-3(a)
Sec. 10	<i>July 1, 2018</i>	17a-4(a)
Sec. 11	<i>July 1, 2018</i>	17a-6
Sec. 12	<i>July 1, 2018</i>	17a-11(b)
Sec. 13	<i>July 1, 2018</i>	17a-12
Sec. 14	<i>July 1, 2018</i>	17a-32
Sec. 15	<i>July 1, 2018</i>	17a-185
Sec. 16	<i>July 1, 2018</i>	22a-1f(b)
Sec. 17	<i>July 1, 2018</i>	46b-120
Sec. 18	<i>July 1, 2019</i>	46b-120(5)
Sec. 19	<i>July 1, 2018</i>	46b-121
Sec. 20	<i>July 1, 2018</i>	46b-121h
Sec. 21	<i>July 1, 2018</i>	46b-121k
Sec. 22	<i>July 1, 2018</i>	46b-124
Sec. 23	<i>July 1, 2018</i>	46b-125
Sec. 24	<i>July 1, 2018</i>	46b-128(a)
Sec. 25	<i>July 1, 2018</i>	46b-133(d) to (f)
Sec. 26	<i>July 1, 2018</i>	46b-133g
Sec. 27	<i>July 1, 2018</i>	46b-134
Sec. 28	<i>July 1, 2018</i>	46b-140
Sec. 29	<i>July 1, 2018</i>	46b-140a
Sec. 30	<i>July 1, 2018</i>	46b-141d
Sec. 31	<i>July 1, 2018</i>	4b-3(d)
Sec. 32	<i>July 1, 2018</i>	46b-145
Sec. 33	<i>July 1, 2018</i>	17a-7
Sec. 34	<i>July 1, 2018</i>	17a-10(d)

Sec. 35	<i>July 1, 2018</i>	17a-28(g)
Sec. 36	<i>July 1, 2018</i>	52-261a(e)
Sec. 37	<i>July 1, 2018</i>	53a-171
Sec. 38	<i>July 1, 2018</i>	Repealer section

Statement of Legislative Commissioners:

Throughout the bill, conforming changes were made, Sections 22 and 33 were merged as new Section 21 and original Sections 21, 38 and 39 were deleted as those sections were repealed in Section 38 of the bill.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various modifications concerning the transfer of juvenile services from the Department of Children and Families to the Judicial Department, as implemented in PA 17-2 JSS, and does not result in new costs.

PA 17-2 JSS allowed the Judicial Department to establish secure and staff-secure residential facilities. These placements are necessary due to closure of the Connecticut Juvenile Training School. The total cost for such facilities is dependent on how many facilities will be needed and the number of beds at each facility, but it is estimated that each facility will result in a cost of approximately \$2.5 million annually and that Judicial will need at least two facilities (separate facilities for boys and girls).

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5041*****AN ACT CONCERNING THE TRANSFER OF JUVENILE SERVICES FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH.*****SUMMARY**

Starting on July 1, 2018, this bill transfers legal authority from the Department of Children and Families (DCF) to the judicial branch over any child who was committed to DCF as a delinquent pursuant to a juvenile court order entered before that date. The branch's Court Support Services Division (CSSD) must, in turn, assume responsibility for supervising the children and may exercise its powers, duties, and functions to provide such supervision.

Under existing law, the juvenile court is prohibited, starting July 1, 2018, from committing a child to DCF as a result of a delinquency adjudication. Existing law also (1) establishes a one-year transition period, from July 1, 2018 to January 1, 2019, during which the judicial branch may place a child convicted as delinquent in a DCF-operated congregate care setting or order the child to receive community-based DCF services and (2) requires the agencies to enter into an agreement that (a) allows the judicial branch to use these settings and services and (b) requires it to pay DCF for their use (PA 17-2 June Special Session (JSS) (§§ 321 & 323)).

The bill also makes numerous other changes to the juvenile justice statutes. Principally, it:

1. deems any child transferred from DCF to CSSD under the bill to be on probation for a period no longer than his or her remaining delinquency commitment to DCF as of June 30, 2018, and

- requires the court to review and, if appropriate, modify the probation conditions (§§ 1 & 29);
2. limits and modifies the ways that a juvenile court may dispose of a delinquency adjudication and adds to the factors the court must consider when making a disposition (§ 28);
 3. modifies the probation conditions the court may order, allows a juvenile probation supervisor's designee to establish the term of nonjudicial supervision for a juvenile for whom the court entered a nonjudicial disposition, and makes various other changes to laws related to juvenile probation (§§ 17, 19, 23, 24, 28-30);
 4. makes changes to several definitions in the juvenile matters laws and adds several new ones (§§ 8 & 17);
 5. eliminates provisions that permit the DCF commissioner, in certain circumstances, to transfer a child committed to the department to the John R. Manson Youth Institution or York Correctional Institution, as appropriate (§§ 13 & 38);
 6. eliminates a provision that (a) explicitly allows a judge hearing a juvenile matter to make any order in connection to it that a Superior Court judge is authorized to grant and (b) gives such an order the same force and effect as a Superior Court order (§ 19);
 7. modifies various juvenile justice system goals (§ 20);
 8. permits the judicial branch to contract to establish secure residential facilities and requires it to develop a continuum of community-based programs (§ 21);
 9. permits, instead of requires, the branch to consult with the Commission on Racial and Ethnic Disparity in the Criminal Justice System to address the needs of minorities in the juvenile justice system (§ 21);

10. limits the circumstances in which DCF employees may have access to juvenile court records and adds to the records of delinquency proceedings that must be disclosed to the DMV commissioner (§ 22);
11. designates the chief court administrator or his designee, instead of the DCF commissioner or her designee, as administrator of the Interstate Compact for Juveniles (ICJ) (The compact enables states to transfer a juvenile's supervision between states and return a runaway juvenile to his or her home state)(§ 2);
12. eliminates as possible qualifications for members of the state Advisory Council on Children and Families that the member (a) represent young people, parents, and others interested in delivering juvenile justice services or (b) is a parent, foster parent, or family member of a child who has received or is receiving juvenile justice services (§ 10);
13. eliminates a requirement that a law enforcement officer who arrests a youth for prostitution report suspected abuse or neglect to DCF (§ 23);
14. makes numerous changes to conform with the transferred responsibility for children adjudicated delinquent from DCF to CSSD by eliminating references throughout the bill to (a) children committed to DCF for delinquency and (b) the Connecticut Juvenile Training School (CJTS), which was a DCF-run secure detention facility for juveniles that permanently closed in April 2018 (§§ 3-7, 9, 11, 12, 14-16 & 27); and
15. repeals several provisions pertaining to DCF responsibility for juveniles adjudicated delinquent, CJTS, and certain CSSD responsibilities (§ 38);
16. makes minor, technical, and conforming changes (§§ 18, 25, 26 & 31-37).

EFFECTIVE DATE: July 1, 2018

§§ 1 & 29 — PROBATION FOR CHILDREN TRANSFERRED TO CSSD

Under the bill, any child transferred from DCF to CSSD commitment must be deemed to be on probation for a period no longer than his or her remaining commitment as of June 30, 2018. Any parole supervision condition in place on that date must become the interim conditions of the remaining probation supervision. The bill requires the juvenile court, by October 1, 2018, to conduct an in-court review for each such child to determine whether those interim conditions must continue or be modified for the remainder of the probation supervision period. The court must notify any identified victim of the time and date of the review.

Following the review, the court may (1) order that the interim conditions remain in effect without modification until the end of the supervision period or (2) modify the conditions for good cause shown. No probation period for a child transferred from DCF to CSSD under the bill may extend beyond the remaining commitment period as of June 30, 2018, or 30 months total, whichever is shorter (see “Probation Supervision” below).

§§ 17 & 28 — DELINQUENCY DISPOSITIONS

The bill makes various changes to the law regarding disposition of juvenile delinquency adjudications.

Factors the Court Must Consider

The bill adds the following factors to those the court must consider when determining the appropriate disposition for a child adjudicated as delinquent:

1. age and intellectual, cognitive, and emotional development;
2. prior involvement with (a) juvenile probation or (b) DCF as a committed delinquent;
3. history of participating in, and engaging with, programming and service interventions;

4. identified services, programs, and interventions that will best address the child's needs and risk of reoffending, as indicated by the CSSD-administered risk and needs assessment; and
5. level of supervision the assessment indicates and any other relevant evidence.

Under the bill, a "risk and needs assessment" is a standardized tool that assists juvenile probation officers in collecting and synthesizing information about a child to estimate the child's risk of recidivating and identify other factors that, if treated and changed, can reduce the child's likelihood of reoffending and provides a guide for intervention planning.

The bill also eliminates from the factors the court must consider the child's culpability in committing the offense including his or her level of participation in planning and carrying out the offense.

Disposition

The bill eliminates several of the ways that the court may dispose of a delinquency case when a child is adjudicated delinquent. Currently, the court may:

1. order the child to participate in an alternative incarceration program, a program at DCF's wilderness school, or a youth service bureau program;
2. withhold or suspend execution of any judgment; or
3. for minors convicted of possessing alcohol, impose a fine of between \$200 and \$500 for a second or subsequent offense (the first offense is an infraction with no specified fine).

The bill eliminates these options and instead permits the court to discharge the child from the court's jurisdiction with or without a warning. It also allows the court to place a child on probation supervision with or without residential placement for up to 18 months, which may be extended to up to 30 months total. Current law permits

the court to sentence a child to probation and extend the probation as deemed appropriate with no maximum length specified.

The bill also eliminates provisions that allow the court to commit a child to DCF if (1) following a delinquency adjudication, it finds that the probation services or other services available to it are not adequate for the child or (2) a child that comes under juvenile court jurisdiction is found to be mentally ill. It also eliminates a provision that authorizes a child adjudicated delinquent or judged to be from a family with service needs to be employed part-time or full-time at a useful occupation as a condition of probation or supervision in certain circumstances.

Additionally, it eliminates an obsolete provision that allows the court to commit a child it convicts as delinquent and finds to be “mentally deficient” to an institution for “mentally deficient” children and youths.

§§ 17, 19, 23, 24 & 28-30 — PROBATION SUPERVISION

Under the bill, a person age 18 or older who is on probation supervision with or without residential placement falls under the juvenile court’s continuing jurisdiction. Anyone on juvenile probation supervision may be subject to other reasonable court-ordered restrictions or conditions and required to participate in a variety of appropriate programmatic services. The bill replaces references to “probation” throughout the juvenile matters statutes with “probation supervision.”

Currently, a child may be adjudicated for, among other things, violating conditions of probation. The bill specifies that a child may be adjudicated delinquent for violating conditions of probation supervision or probation supervision with residential placement and, as a corollary, that such actions constitute delinquent acts.

Definitions Related to Probation Supervision (§ 17)

The bill defines:

1. “probation supervision” as a legal status under which a juvenile who has been adjudicated delinquent is placed by court order under juvenile probation supervision for a specified period of time and on terms the court determines;
2. “probation supervision with residential placement” as probation supervision that includes a period of placement in a secure or staff-secure residential treatment facility, as ordered by the court, and a period of community supervision;
3. “secure residential facility” as a hardware-secured residential facility that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting; and
4. “staff-secure residential facility” is a residential facility that provides residential treatment for children in a structured setting where staff monitor the children.

Probation Supervision Conditions (§ 28)

As under current law when ordering conditions of probation, the bill allows the court, when setting conditions or probation supervision with or without residential placement to order that the child:

1. reside with a parent, relative, or guardian, or in a suitable court-approved residence;
2. attend school and class on a regular basis and comply with school conduct and discipline policies;
3. refrain from violating any laws or ordinances;
4. undergo any medical or psychiatric evaluation the court deems necessary;
5. submit to random drug or alcohol testing, or both;
6. participate in a community service program; and

7. satisfy any other conditions the court deems appropriate.

The bill eliminates as a condition participating in an alternative incarceration program or other program CSSD establishes. Instead, the bill specifies that the court may order, as a condition of probation supervision with or without residential placement, that the child (1) participate in a youth service bureau program; (2) obtain technical or vocational training, or both; (3) make a good faith effort to obtain and maintain employment; or (4) be placed in an appropriate residential facility. The bill also allows the court to require the child or his or her parents or guardian or both to make restitution to the victim of the offense. Currently, the law permits the court to order the child to make such restitution. As allowed currently for probation, the bill also allows the court to order where the child must live, drug or alcohol treatment or testing, and school attendance, among other things.

Under the bill, at any time during the probation supervision with or without residential placement, the court may modify or enlarge the probation conditions for good cause shown. The bill also caps the length of time the court may extend the probation period by up to 12 months for a total supervision period of 30 months. Current law allows the court to extend the probation as deemed appropriate with no maximum length specified. As under current law, the court must have a copy of the order delivered to the child and his or her parent or guardian and probation officer.

Juvenile Probation Officer Responsibilities (§ 23)

Current law requires juvenile probation officers to investigate and report as the court directs or the law requires. In addition to investigating and reporting, the bill requires juvenile officers to make recommendations to the court, including pre-dispositional studies. Under the bill, the officers must provide supervision and make referrals to pre- and post-adjudication services based on the juvenile's risks and needs, as determined by the risk and needs assessment. The officers must work collaboratively with treatment providers to ensure programs and services are adequately addressing the needs of

juveniles they supervise.

The bill requires the officers to keep records of all cases they investigate or that come under their care, instead of requiring them to preserve a record of all such cases.

Case Review Team Meeting (§ 28)

Under the bill, the court may authorize the child's probation officer, at any time during the probation supervision period, to convene a case review team meeting with the child and his or her attorney on any case (1) being considered for residential placement or (2) that is complex and could benefit from a multi-systemic approach. The probation officer and supervisor must facilitate the meeting, which must also include the child's family, the state's attorney, school officials, treatment providers, and state agency representatives, as deemed appropriate. Any recommendations to modify the probation supervision conditions, including residential placement, must be presented to the court for consideration and approval.

Probation Supervision with Residential Placement (§§ 17 & 28)

Under the bill, a child may only be placed on probation supervision with residential placement in a secure or staff-secure facility if CSSD has completed a current pre-dispositional study that the court has reviewed and the (1) placement is indicated by the child's clinical and behavioral needs or (2) level of risk the child poses to public safety cannot be managed in a less restrictive setting. The court must consider all relevant reports, evaluations, and studies offered or admitted as evidence and his or her length of stay in a residential facility must be dependent on the child making treatment progress and attaining treatment goals.

Under the bill, a "pre-dispositional study" is a comprehensive written report prepared by a juvenile probation officer regarding the child's social, medical, mental health, educational, risks and needs, and family history, as well as the event surrounding the offense to present a supported recommendation to the court;

Probation Status Review Hearing (§ 29)

The bill also permits the court, at any time during the probation supervision period, to convene a probation status review hearing. The officer may file an ex parte request for a probation status review hearing with the court clerk, regardless of whether a new offense or violation has been filed. The court may grant the request and convene a probation status review hearing within seven days if it finds that it is in the child's or the public's best interest. The officer must inform the child and parent or guardian of the scheduled court date and time. The child must be represented by counsel at the hearing.

Under the bill, if the child or his or her parents or guardian do not appear at the hearing, absent actual or in-hand service of the notice, the failure cannot be deemed willful. Instead, the court may continue the hearing to a future date and order the child and his or her parents or guardian to be served notice to appear in court. By agreement of the parties or when the evidentiary hearing concludes, the court may modify or enlarge the probation conditions and, if appropriate, order the child placed in a secure or staff-secure residential facility. But no such placement may be ordered unless (1) it is indicated by the child's clinical and behavioral needs or (2) the level of risk the child poses to the public cannot be managed in a less restrictive setting.

Violation of Probation (§§ 23 & 29)

The bill allows the court, at any time during the probation supervision period, to (1) issue a warrant to arrest the child for violating the probation conditions or (2) issue a notice to appear to answer the charges of alleged violation. Current law permits the court to take such actions if a child allegedly violates the conditions of probation or suspended commitment.

The bill eliminates provisions that allow the court to continue or revoke a suspended commitment and, if the probation or suspended commitment to DCF is revoked, require the child to serve the commitment imposed or impose a lesser commitment. It allows the court to continue or revoke an order of probation supervision or

modify or enlarge the supervision conditions when a child allegedly violates a condition of probation supervision, as it may currently continue or revoke probation or modify or enlarge probation conditions when a child violates probation.

The bill also eliminates a requirement that CSSD notify the local law enforcement agency when the court determines that a child or youth violated probation by failing to comply with electronic monitoring requirements.

The bill also eliminates provisions that permit investigators authorized by the chief state's attorney's office to arrest any juvenile on probation without a warrant if the juvenile violated the conditions of his or her probation. The law, unchanged by the bill, permits juvenile probation officers to make such arrests or deputize another officer with arrest powers to do so.

Reduction of Probation Sentence (§ 30)

Additionally, the bill permits a child sentenced to a period of probation supervision with or without residential placement to earn a reduction of the probation period equal to the number of days that the child spent in a detention center or lockup prior to adjudication. Current law permits such a reduction for a child placed on probation.

§§ 8 & 17 — DEFINITIONS

The bill eliminates the definition of a serious juvenile repeat offender, which is currently defined as a child charged with committing a felony if the child has previously been adjudicated delinquent or convicted of a felony at least twice previously. It also eliminates obsolete definitions for "youth" and "mentally deficient" in the juvenile matters statutes, but preserves the definition of "youth" (i.e., a 16- or 17-year-old) in the DCF statutes.

§§ 13 & 38 — TRANSFER OF DCF-COMMITTED CHILDREN TO DOC CUSTODY

Currently, when, in the opinion of the DCF commissioner or her designee, a person committed to the department who is age 14 or older

is dangerous to himself or herself or others or cannot be safely held at CJTS or any other facility in the state available to DCF, the department may request an immediate juvenile court hearing to determine if the person should be transferred to Manson Youth Institution (if male) or York Correctional Institution (if female). The bill eliminates (1) DCF's authority to request such a transfer and (2) the court's authority to grant the request. The bill also repeals a provision that generally designates children transferred to these facilities from DCF custody to be under the jurisdiction of the Department of Corrections (DOC), which runs the facilities.

§ 20 — JUVENILE JUSTICE SYSTEM GOALS

The bill requires the juvenile justice system to promote prevention efforts by supporting programs and services designed to prevent re-offending, instead of by supporting programs and services designed to meet the needs of juveniles charged with delinquency. It also makes various revisions to the goals of the juvenile justice system. Principally, it requires the goals to include:

1. basing probation case planning on individual risks and needs, instead of basing probation treatment planning on individual case management plans as under current law;
2. providing community-based, instead of nonresidential post-release, services to juveniles returned to their families or communities; and
3. creating and maintaining developmentally appropriate, trauma-informed, gender-responsive programs for juveniles that incorporate restorative principles and practices, instead of creating and maintaining programs for juvenile offenders that are gender specific (i.e., comprehensively address the unique needs of a targeted gender group) as required under current law.

Currently, another goal of the system must be to promote the development and implementation of community-based programs, including mental health services, designed to prevent unlawful

behavior. The bill (1) eliminates the requirement that the services include mental health services and (2) requires the services to be designed to prevent reoffending instead of unlawful behavior.

§ 21 — JUDICIAL BRANCH RESPONSIBILITIES

The bill permits the judicial branch to contract to establish secure residential facilities and requires it to develop a continuum of community-based programs. Existing law requires the judicial branch to expand its contracted juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions, and secure placements available for the court, juvenile probation officers, and other CSSD staff (PA 17-2, JSS (§ 322)).

Contracting to Establish Secure Residential Facilities

Current law permits the judicial branch to contract to establish regional secure residential and regional highly supervised residential dental facilities for court-referred juveniles. Under the bill, the judicial branch may instead contract to establish secure and staff-secure residential facilities for court-referred juveniles. As under current law, the (1) facilities must be exempt from DCF licensing requirements and (2) as part of a publicly bid contract, the branch may include a requirement that the contractor provide the space necessary for juvenile probation officers and other CSSD staff to perform their duties.

Continuum of Community-Based Programs

The bill eliminates a requirement that the judicial branch develop constructive programs for the prevention and reduction of delinquency and crime among juvenile offenders. Instead, it requires the branch to develop a continuum of community-based programs for reducing juvenile delinquency. When appropriate, the judicial branch must coordinate the programs with DCF; the State Department of Education; the departments of Social Services, Developmental Services, and Mental Health and Addiction Services; and any other agencies necessary.

The continuum must be:

1. designed to address the individual risks and needs of juveniles;
2. able to take into account the juvenile's history, age, maturity and social development, gender, mental health, alcohol or drug use, need for structured supervision, and other characteristics; and
3. culturally appropriate, trauma-informed, and provided in the least restrictive environment possible in a manner consistent with public safety.

The branch must develop programs that provide research and evidence-based skills training and assistance to promote independent living skills, positive activities, and social connections in the juveniles' home communities. The programs must also address:

1. anti-sociality, impulse control, and behavioral problems;
2. anger management and nonviolent conflict resolution;
3. alcohol and drug use and dependency;
4. mental health needs;
5. inappropriate sexual behavior;
6. family engagement;
7. academic disengagement; and
8. technical and vocational training needs.

§ 22 — DISCLOSURE OF JUVENILE MATTERS RECORDS AND INFORMATION

Current law permits DCF employees to access records of juvenile delinquency proceedings. The bill limits this access by only allowing it if (1) the child who is the subject of the records is committed to the department and (2) the court orders the department to provide services to the child. In such circumstances, the bill specifically allows

DCF employees to access information that identifies the child as the subject of the delinquency petition, in addition to the delinquency proceeding records.

The bill also permits law enforcement officials to disclose information concerning a child who escaped from, or failed to return from, an authorized leave from court placement at a detention center or a secure or staff-secure residential treatment facility in which the court placed him or her. Current law permits these officials to disclose information for a child who has escaped from a detention center or from a facility to which the court committed him or her. Existing law, unchanged by the bill, also permits law enforcement to disclose information about children who allegedly committed a felony and for whom an arrest warrant has been issued.

The bill also adds the following motor vehicle offenses to those for which records of delinquency proceedings must be disclosed to the DMV:

1. driving under the influence of drugs or alcohol (DUI)(CGS § 14-227a);
2. DUI while under age 21 with a blood alcohol content above .02% (CGS § 14-227g);
3. using, possessing with intent to use, delivering, possessing with intent to deliver, or manufacturing with intent to deliver drug paraphernalia with less than one-half ounce of marijuana (CGS § 21a-267(d)); or
4. possessing less than one-half ounce of marijuana (CGS § 21a-279a).

§ 42 — REPEALERS

The bill repeals provisions that:

1. grant equal privileges to clergy of all religious denominations to provide religious instruction to inmates at CJTS and each

- chartered or incorporated institution to which any child may be committed by the court (CGS § 17a-201b);
2. delineate the current duties and responsibilities of the judicial branch to provide programs and services to the juvenile justice system (CGS § 46b-121i);
 3. require CSSD to design and make available to the judicial branch programs and probation treatment services for juvenile offenders (CGS § 46b-121j);
 4. require CSSD to fund projects for a program of early intervention initiatives designed for juvenile offenders (CGS § 46b-121l);
 5. require DCF to establish or designate one or more secure facilities in the state devoted to caring for and treating children under Superior Court jurisdiction (CGS § 46b-126);
 6. allow prosecutors to request that certain juvenile proceedings be designated as serious sexual offender or serious juvenile repeat offender prosecutions and establish special proceedings for such prosecutions (CGS §§ 46b-133c & -133d);
 7. impose limits on the length of time for which a child may be committed to DCF as a result of a delinquency adjudication and requires DCF to fulfill certain reporting requirements to the court for each such child committed to its care (CGS § 46b-141);
 8. allow the court to order an assessment for placement in an alternative incarceration program in lieu of commitment to DCF or juvenile detention center (CGS § 46b-141a); and
 9. require CSSD to develop a probation treatment plan for each child referred to the division (CGS § 46b-141b).

It also repeals provisions that are generally obsolete, mainly due to the transfer of juvenile services from DCF to CSSD, including

provisions that:

1. require the CJTS superintendent to notify the appropriate registrar of vital statistics when a child dies at the facility (CGS § 7-63);
2. delineate DCF's responsibilities regarding CJTS (CGS § 17a-6b);
3. establish the CJTS advisory group (CGS § 17a-6b);
4. require DCF to (a) annually report to the legislature on the number of children committed to the department for delinquency and (b) establish standard leave and release policies for such children (CGS §§ 17a-6c, -7a);
5. permit DCF to place a child committed to the department for delinquency on parole if it is in the child's best interest (CGS § 17a-7);
6. impose limits on the length of time a child adjudicated delinquent may be committed to DCF and allow the commissioner to place such a child over age 14 on vocational parole if it appears that the child cannot benefit from continued school attendance (CGS § 17a-8);
7. require DCF to pay for the support and maintenance of any delinquent child resident in any of the department's institutions or facilities and allow DCF to authorize medical treatment to ensure the child's good health or life (CGS § 17a-10);
8. generally designate a person committed to DCF who is transferred to Manson Youth Institution to be under DCF custody (as noted above, the bill also eliminates DCF's authority to authorize such a transfer (CGS § 17a-13);
9. reference the CJTS construction project (CGS §§ 17a-27b, -27d);
10. allow DCF to establish a two-year Raise the Grade pilot program ending by July 1, 2015 (CGS § 17a-64);

11. enumerate DCF's duties regarding CJTS (CGS § 17-3a); and
12. allow the DCF commissioner to authorize leave for children committed to the department for delinquency (CGS § 17-8a).

BACKGROUND***Related Bill***

sHB 5562, reported favorably by the Judiciary Committee, contains similar provisions related to probation supervision with or without residential placement, juvenile delinquency dispositions, juvenile justice system goals, records disclosures, and judicial branch responsibilities.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 4 (04/04/2018)